

## Child Welfare Act

(Act No. 164 of December 12, 1947)

### Chapter I General Provisions

Article 1 (1) All citizens shall endeavor to ensure that children are born and brought up in good mental and physical health.  
(2) All children shall equally be afforded the guaranteed level of life and be kindly treated.

Article 2 The national and local governments shall be responsible for bringing up children in good mental and physical health, along with their guardians.

Article 3 The provisions of the preceding two Articles constitute the basic philosophy to guarantee children's welfare and this philosophy shall be consistently respected in enforcing all laws and regulations on children.

### Section 1 Definitions

Article 4 (1) The term "child" as used in this Act shall mean a person under 18 years of age, and children shall be classified into the following categories:

- (i) Infant: Person under 1 year of age;
  - (ii) Toddler: Person of 1 year of age or more before the time of commencement of elementary school; and
  - (iii) Juvenile: Person under 18 years of age after the time of commencement of elementary school.
- (2) The term "disabled child" as used in this Act shall mean a child with physical disabilities or a child with mental retardation.

Article 5 The term "expectant and nursing mother" as used in this Act shall mean a female who is in pregnancy or within 1 year from childbirth.

Article 6 The term "guardian" as used in this Act shall mean a person who has actual custody of a child, that is, a person who has parental authority, a guardian of a minor, or any other person.

Article 6-2 (1) The term "children's self-reliant living assistance services" as used in this Act shall mean services to provide daily life assistance and daily life guidance and employment supports prescribed in Article 27 paragraph (7)

to a person pertaining to a measure set forth in the same paragraph at his/her residence prescribed in the same paragraph and to provide consultation and other assistance to a person for whom a measure set forth in the same paragraph has been cancelled.

(2) The term "services for sound upbringing of after-school children" as used in this Act shall mean services to pursue sound upbringing of elementary-school children around or under 10 years of age whose guardians are absent from home during daytime hours due to work, etc., by utilizing children's recreational facility or other facilities after finishing lessons and giving adequate opportunities for playing and living to those children in accordance with the standards specified by a Cabinet Order.

(3) The term "short-term child care support services" as used in this Act shall mean services to be provided to a child for whom it becomes temporarily difficult to receive child care at his/her home due to his/her guardian's illness or other reason, by moving him/her into a foster home or any other facilities specified by an Ordinance of the Ministry of Health, Labour and Welfare and affording the necessary aid for him/her pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

Article 6-3 The term "foster parent" as used in this Act shall mean a person, as found appropriate by the prefectural governor, who desires to take care a child without guardian or a child for whom the custody of his/her guardian is found inappropriate (hereinafter referred to as a "Aid-requiring Child").

Article 7 (1) The term "child welfare institution" as used in this Act shall mean any of midwifery home, infant home, maternal and child living support facility, nursery center, children's recreational facility, foster home, institution for mentally retarded children, daycare institution for mentally retarded children, institution for blind or deaf children, institution for orthopedically impaired children, institution for severely-retarded children, short-term therapeutic institution for emotionally disturbed children, children's self-reliance support facility, and child and family support center.

(2) The term "institutional support for disabled children" as used in this Act shall mean institutional support for mentally retarded children, institutional daycare support for mentally retarded children, institutional support for blind or deaf children, institutional support for orthopedically impaired children, and institutional support for severely-retarded children.

(3) The term "institutional support for mentally retarded children" as used in this Act shall mean aid or therapy, and the provision of knowledge and skills given to children with mental retardation staying in an institution for mentally retarded children.

- (4) The term "institutional daycare support for mentally retarded children" as used in this Act shall mean the aid for a child with mental retardation attending a daycare institution for mentally retarded children and the provision of knowledge and skills to him/her.
- (5) The term "institutional support for blind or deaf children" as used in this Act shall mean aid given to a blind child (including severely amblyopic children) or a deaf child (including severely cloth-eared children) staying in an institution for blind or deaf children, and guidance or assistance to him/her.
- (6) The term "institutional support for orthopedically impaired children" as used in this Act shall mean therapy given to a child with upper-limb, lower-limb or trunk dysfunction (hereinafter referred to as "Limb/Trunk Dysfunction") in an institution for orthopedically impaired children or in a medical institution established by any of the national highly-specialized medical centers or the National Hospital Organization designated by the Minister of Health, Labour and Welfare (hereinafter referred to as a "Designated Medical Institution") and the provision of knowledge and skills to him/her.
- (7) The term "institutional support for severely-retarded children" as used in this Act shall mean the aid for a child staying in an institution for severely-retarded child or admitted into a Designated Medical Institution who has both severe mental retardation and severe Limb/Trunk Dysfunction, and the therapy and daily life guidance given to him/her.

**Section 2 Child Welfare Council, etc.**

- Article 8 (1) A prefectural government shall set up a council related to child welfare or other body with council system in order to study and deliberate the matters under the prefecture's jurisdiction pursuant to the provisions of paragraph (7) of this Article, Article 27 paragraph (6), Article 46 paragraph (4) and Article 59 paragraph (5); provided, however, that this shall not apply to a prefectural government which requires the local social welfare council provided in Article 7 paragraph (1) of the Social Welfare Act (Act No. 45 of 1951) (hereinafter referred to as "Local Social Welfare Council") to study and deliberate the matters related to child welfare pursuant to the provision of Article 12 paragraph (1) of the same Act.
- (2) The council or other body with council system prescribed in the preceding paragraph (hereinafter referred to as "Prefectural Child Welfare Council") may study and deliberate the matters related to welfare of children, expectant and nursing mothers and mentally retarded persons, in addition to what is prescribed in the same paragraph.
- (3) A municipality (including special wards) the same shall apply hereinafter) may set up a council related to child welfare or other body with council system

- in order to study and deliberate the matters set forth in the preceding paragraph.
- (4) A Prefectural Child Welfare Council shall be placed under the jurisdiction of the prefectural governor, and the council or other body with council system prescribed in the preceding paragraph (hereinafter referred to as "Municipal Child Welfare Council") shall be placed under the jurisdiction of the mayor of municipality (including mayors of special wards; the same shall apply hereinafter). These councils and bodies may provide consultation for the respective governors and mayors, or state their opinions to relevant administrative organs.
- (5) A Prefectural Child Welfare Council or a Municipal Child Welfare Council (hereinafter referred to as "Child Welfare Council") may, when it finds particularly necessary, request relevant administrative organs to make their personnel attend a meeting of the council for explanations and submit materials.
- (6) A social security council and the Child Welfare Councils shall constantly carry out close liaisons such as mutual provision of materials where needed.
- (7) In order to pursue welfare of children and mentally retarded persons, a social security council and a Prefectural Child Welfare Council (or a Local Social Welfare Council, in the case of a prefecture provided in the proviso of paragraph (1); hereinafter the same shall apply in Article 27 paragraph (6), Article 46 paragraph (4) and Article 59 paragraphs (5) and (6)) may recommend performing arts, publications, playthings, playgames, etc., or give necessary recommendations to the persons, etc., who manufacture, perform or sell them.
- Article 9 (1) A Child Welfare Council shall be composed of 20 members or less.
- (2) A Child Welfare Council may include a temporary member when it is necessary to study and deliberate special matters.
- (3) Members and temporary members of a Child Welfare Council shall be selected from persons engaged in business related to welfare of children or mentally retarded persons and from persons with relevant knowledge and experience, and appointed by the prefectural governor or mayor of municipality.
- (4) A Child Welfare Council shall have a chairperson and vice-chairperson chosen by its members.

**Section 3 Implementing Body**

- Article 10 (1) With regard to the enforcement of this Act, a municipal government shall perform the following services:
- (1) Endeavor to make necessary understanding of actual conditions concerning welfare of children and expectant and nursing mothers;

- (ii) Provide necessary information concerning welfare of children and expectant and nursing mothers; and
- (iii) Provide consultation to families and others and carry out necessary investigations and guidance with regard to welfare of children and expectant and nursing mothers, and provide services incidental thereto.
- (2) A mayor of municipality shall seek technical assistance and advice from the child guidance center with regard to the services listed in item (iii) of the preceding paragraph that require specialized knowledge and skills.
- (3) When the performance of the services listed in paragraph (1) item (iii) requires medical, psychological, pedagogical, sociological or mental health judgment, the mayor of municipality shall seek judgment by the child guidance center.
- (4) A municipal government shall endeavor to develop the systems necessary to carry out the affairs pursuant to this Act appropriately and take necessary measures to secure human resources for personnel engaged in said affairs and enhance their qualifications.

Article 11 (1) With regard to the enforcement of this Act, the prefectural government shall perform the following services:

- (i) Carry out liaison and coordination among the municipal governments, provide information and other necessary assistance to the municipal governments with regard to the implementation of the municipal governments' services listed in the items of paragraph (1) of the preceding Article, and perform the services incidental thereto; and
- (ii) Perform the following services with regard to welfare of children and expectant and nursing mothers among others.
  - (a) Endeavor to understand actual conditions from a transregional standpoint, regardless of the districts of the respective municipalities;
  - (b) Provide families and others with consultation concerning children whose care requires specialized knowledge and skills;
  - (c) Carry out necessary investigation and make a medical, psychological, pedagogical, sociological or mental health judgment in relation to a child and his/her family;
  - (d) Provide necessary guidance to the child and his/her guardian based on the investigation or judgment set forth in (c); and
  - (e) Take temporary custody of a child.
- (2) When it finds it necessary in order to ensure proper implementation of the services listed in the items of paragraph (1) of the preceding Articles, the prefectural governor may provide necessary advice to the municipal government.
- (3) A prefectural governor may delegate the prefectural government's affairs

pursuant to the provisions of paragraph (1) or the preceding paragraph, in whole or in part, to any administrative agency under the prefectural governor's jurisdiction.

- Article 12 (1) A prefectural government shall establish a child guidance center.
- (2) A child guidance center shall perform the services concerning welfare of children, among others, listed in paragraph (1) item (i) of the preceding Article and listed in item (ii) (b) through (e) of the same paragraph and the services prescribed in Article 22 paragraphs (2) and (3) and Article 26 paragraph (1) of the Act on Support for Self-reliant Living of Persons with Disabilities (Act No. 123 of 2005).
- (3) A child guidance center may, where needed, perform the services prescribed in the preceding paragraph by visiting (excluding the services listed in paragraph (1) item (ii) (e) of the preceding Article).
- (4) A child guidance center's director may commission necessary investigations from the head of the office relevant to welfare provided in the Social Welfare Act that is located in the jurisdictional district of the child guidance center (hereinafter referred to as "Welfare Office"; the head of a Welfare Office being hereinafter referred to as "Welfare Office Director").
- Article 12-2 (1) A child guidance center shall staff a director and employees.
- (2) The director of a child guidance center shall control its affairs under the supervision of the prefectural governor.
- (3) Employees of a child guidance center shall conduct the affairs provided in the preceding Article under the supervision of its director.
- (4) In addition to what is provided in paragraph (1), a child guidance center may staff other necessary employees.

- Article 12-3 (1) The director and employees of a child guidance center shall be officials positioned as subsidiary organs for the prefectural governor.
- (2) The director of a child guidance center shall be a person who falls under any of the following items:
  - (i) A physician having knowledge and experience concerning mental health;
  - (ii) A person completing a department specialized in psychology or other equivalent course in a university pursuant to the School Education Act (Act No. 26 of 1947) or in a university pursuant to the old ordinance for universities (Imperial Ordinance No. 388 of 1918);
  - (iii) A certified social worker;
  - (iv) A person who has been working, or used to work, as an employee in charge of affairs relevant to welfare of children (hereinafter referred to as "Child Welfare Officer") for 2 years or more, or a person who has been working, or

used to work, as an employee of the child guidance center for 2 years or more after obtaining the qualification of Child Welfare Officer; or  
(v) A person who is found to have the ability equivalent or superior to the persons listed in the preceding items as specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(3) The director of a child guidance center shall receive training conforming to the standards specified by the Minister of Health, Labour and Welfare.

(4) Employees of a child guidance center who are in charge of judgments shall include one or more persons who fall under paragraph (2) item (i) or have equivalent qualification, and one or more persons who fall under item (ii) of the same paragraph or who have equivalent qualification.

(5) An employee of a child guidance center who is in charge of consultation and investigation shall be a person who has the qualification of Child Welfare Officer.

Article 12-4 A child guidance center shall have facilities of taking temporary custody of children where needed.

Article 12-5 In addition to what is provided for in this Act, necessary matters concerning the child guidance centers including the jurisdictional districts of child guidance centers shall be prescribed by an Order.

Article 12-6 (1) With regard to the enforcement of this Act, a public health center shall perform the following services among others:

- (i) Endeavor to disseminate accurate knowledge on child health;
  - (ii) Provide health consultation or conduct health checkups for children and provide health guidance to them where needed;
  - (iii) Provide guidance for medical treatment and education for children with physical disabilities and children in need of long-term medical treatment due to illness; and
  - (iv) Give necessary advice on improvement in nutrition and other matters concerning health to child welfare institutions.
- (2) With regard to children, their guardians or expectant and nursing mothers to whom a child guidance center provides consultation, the child guidance center's director may seek health guidance or other necessary cooperation from the public health center.

#### **Section 4 Child Welfare Officer**

Article 13 (1) A prefectural government shall staff Child Welfare Officers in the child guidance center it establishes.

(2) A Child Welfare Officer shall be an official positioned as a subsidiary organ for the prefectural governor and shall be appointed from among the persons who fall under any of the following items:

(i) A person graduating from a school or other facility for training of Child Welfare Officers or employees of child welfare institutions as designated by the Minister of Health, Labour and Welfare, or completing the course of a training session designated by the Minister of Health, Labour and Welfare;

(ii) A person completing a department specialized in psychology, pedagogy or sociology or other equivalent course in a university pursuant to the School Education Act or in a university pursuant to the old ordinance for universities, who has been working, or used to work, for 1 year or more, in providing consultation and affording advice, guidance and other assistance for welfare of children or others in an institution specified by an Ordinance of the Ministry of Health, Labour and Welfare;

(iii) A physician;

(iii)-2 A certified social worker;

(iv) A person who has been working, or used to work, as a social welfare secretary for child welfare services for 2 years or more; or

(v) A person who is found to have the ability equivalent or superior to the persons listed in the preceding items and who is as specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(3) A Child Welfare Officer shall, by an order of the child guidance center's director, endeavor to promote welfare of children by such means as providing consultation and necessary guidance based on his/her specialized skills with regard to the aid for children and other matters concerning welfare of children.

(4) A Child Welfare Officer shall, pursuant to the provisions of a Cabinet Order, perform his/her duties set forth in the preceding paragraph in accordance with the area of responsibility specified by the child guidance center's director and may seek cooperation from the mayor of municipality having jurisdiction over the area of his/her responsibility.

Article 14 (1) With regard to the matters provided in paragraph (3) of the preceding Article, a mayor of municipality may request a Child Welfare Officer to make necessary notification of the conditions and provision of the materials and to give necessary assistance.

(2) With regard to the children in the area of his/her responsibility, a Child Welfare Officer shall give notice of the conditions of necessary matters and state his/her opinions to the child guidance center's director or the mayor of municipality having jurisdiction over the area of his/her responsibility.

Article 15 In addition to what is provided for in this Act, appointment and

assignment of Child Welfare Officers and other necessary matters concerning Child Welfare Officers shall be prescribed by an Order.

### **Section 5 Commissioned Child Welfare Volunteer**

Article 16 (1) A municipal government shall staff commissioned child welfare volunteers in its district.

(2) A commissioned welfare volunteer pursuant to the Commissioned Welfare Volunteers Law (Act No. 198 of 1948) shall be deemed to be appointed concurrently as a commissioned child welfare volunteer.

(3) The Minister of Health, Labor and Welfare shall designate chief commissioned child welfare volunteers among from commissioned child welfare volunteers.

(4) The designation by the Minister of Health, Labor and Welfare pursuant to the provision of the preceding paragraph shall be made through the nomination pursuant to the provision of Article 5 of the Commissioned Welfare Volunteers Law.

Article 17 (1) A commissioned child welfare volunteer shall perform the duties listed in the following items:

- (i) Understand adequately the conditions of life of children and expectant and nursing mothers and their living environments;
  - (ii) Provide necessary information and afford other assistance and guidance to enable children and expectant and nursing mothers to utilize services adequately with regard to their aid, healthcare and other matters concerning welfare;
  - (iii) Coordinate closely with persons who operate services intended for social welfare pertaining to children and expectant and nursing mothers or the persons who conduct activities for healthy upbringing of children, and support their services or activities;
  - (iv) Cooperate in the duties performed by Child Welfare Officers or social welfare secretaries of the Welfare Offices;
  - (v) Endeavor to encourage a spirit conducive to the healthy upbringing of children; and
  - (vi) In addition to what is listed in the preceding items, conduct other activities to pursue the promotion of welfare of children and expectant and nursing mothers, where needed.
- (2) With regard to the duties of commissioned child welfare volunteers listed in the items of the preceding paragraph, a chief commissioned child welfare volunteer shall carry out liaison and coordination with organs relevant to the welfare of children and commissioned child welfare volunteers (excluding those

who are chief commissioned child welfare volunteers; the same shall apply hereinafter in this paragraph) and provide assistance and cooperation for activities of commissioned child welfare volunteers.

(3) The provision of the preceding paragraph shall not preclude a chief commissioned child welfare volunteer from performing the duties of commissioned child welfare volunteers listed in the items of paragraph (1).

(4) A commissioned child welfare volunteer shall be directed and supervised by the prefectural governor in the course of duties.

Article 18 (1) With regard to the matters provided in paragraph (1) or (2) of the preceding Article, a mayor of municipality may request a Child Welfare Officer to make necessary notification of the conditions and provision of the materials and may give necessary instructions to him/her.

(2) With regard to the children and expectant and nursing mothers in the area of his/her responsibility, a commissioned child welfare volunteer shall give notice of the conditions of necessary matters and state his/her opinions to the child guidance center's director or the mayor of municipality having jurisdiction over the area of his/her responsibility.

(3) When a commissioned child welfare volunteer intends to give notice set forth in the preceding paragraph to the child guidance center's director except in the case where he/she finds an urgent necessity, such notice shall be given through the mayor of municipality.

(4) A child guidance center's director may commission necessary investigations to a commissioned child welfare volunteer in the jurisdictional district of the child guidance center.

Article 18-2 A prefectural governor shall prepare and implement programs for the training of commissioned child welfare volunteers in accordance with the standards specified by the Minister of Health, Labor and Welfare.

Article 18-3 In addition to what is provided for in this Act, necessary matters concerning commissioned child welfare volunteers shall be prescribed by an Order.

### **Section 6 Nursery Teacher**

Article 18-4 The term "nursery teacher" as used in this Act shall mean a person who is registered as prescribed in Article 18-18 paragraph (1) and works for daycare of children and guidance concerning daycare to their guardians, in the name of nursery teacher and through using his/her specialized knowledge and skills.

Article 18-5 A person who falls under any of the following items may not become a nursery teacher:

- (i) An adult ward or a person under curatorship;
- (ii) A person sentenced to imprisonment or severer punishment and awaiting a lapse of 2 years from the day on which its execution will be completed or cease to be enforceable;
- (iii) A person punished by a fine pursuant to such provisions of this Act or of any other act related to child welfare as specified by a Cabinet Order and awaiting a lapse of 2 years from the day on which its execution will be completed or cease to be enforceable; or
- (iv) A person awaiting a lapse of 2 years from the date of rescission of his/her registration pursuant to the provision of Article 18-19 paragraph (1) item (ii) or paragraph (2) of the same Article.

Article 18-6 A person who falls under any of the following items shall be qualified as a nursery teacher:

- (i) A person graduating from a school for training of nursery teachers or other facility as designated by the Minister of Health, Labor and Welfare (hereinafter referred to as "Designated Nursery Teacher Training Facility"); or
- (ii) A person passing a nursery teacher examination.

Article 18-7 (1) The Minister of Health, Labor and Welfare may, when he/she finds it necessary in order to ensure adequate implementation of training of nursery teachers, within the limit necessary therefor, request the head of a Designated Nursery Teacher Training Facility to report on its education methods, accommodation facilities or other matters or provide guidance to the head of the facility, or make said ministry's official inspect books and documents and other objects.

(2) When the inspection is conducted pursuant to the provision of the preceding paragraph, said official shall carry his/her certification for identification and produce it upon request by any relevant person.

(3) The authority pursuant to the provision of paragraph (1) shall not be construed as being permitted for criminal investigation.

Article 18-8 (1) A nursery teacher examination shall be conducted to check the knowledge and skills necessary for a nursery teacher in accordance with the standards specified by the Minister of Health, Labor and Welfare.

(2) Nursery teacher examinations shall be held by the prefectural governor once a year or more frequently.

(3) A prefectural government shall staff nursery teacher examination commissioners (referred to as an "Examination Commissioner" in the following paragraph) to conduct the affairs concerning judgment as to whether an examinee has the knowledge and skills necessary for a nursery teacher; provided, however, that this shall not apply to the case where the prefectural government makes a person designated pursuant to the provision of paragraph (1) of the following Article conduct said affairs.

(4) An Examination Commissioner or an ex-Examination Commissioner shall not divulge any secret coming to his/her knowledge with regard to the affairs prescribed in the preceding paragraph.

Article 18-9 (1) A prefectural governor may, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare, make a general incorporated association or general incorporated foundation designated by said prefectural governor that is found to be capable of implementing the examination affairs properly and reliably (hereinafter referred to as "Designated Examining Body") conduct the whole or part of the affairs concerning implementation of nursery teacher examinations (hereinafter referred to as "Examination Affairs").

(2) When the prefectural governor causes the Examination Affairs, in whole or in part, to be conducted by a Designated Examining Body pursuant to the provision of the preceding paragraph, the prefectural governor shall not conduct whole or part of such Examination Affairs.

(3) In the case where the fees pertaining to nursery teacher examinations are collected pursuant to Article 227 of the Local Autonomy Act (Act No. 67 of 1947), the prefectural government may, pursuant to the provisions of a Prefectural Ordinance, require that a person who desires to take a nursery teacher examination held by a Designated Examining Body pursuant to the provision of paragraph (1) to pay the whole or part of said fees to the said Designated Examining Body and account for the fees so collected as the prefecture's income.

Article 18-10 (1) Appointment and dismissal of an officer of a Designated Examining Body shall not become effective without the prefectural governor's approval.

(2) When an officer of a Designated Examining Body commits an act in violation of this Act (including orders or dispositions pursuant to this Act) or the rules on Examination Affairs provided in Article 18-13 paragraph (1) or an extremely inappropriate act with regard to the Examination Affairs, the prefectural governor may order said Designated Examining Body to dismiss the said officer.

Article 18-11 (1) In the case of conducting its Examination Affairs, a Designated Examining Body shall make a nursery teacher Examination Commissioner or (hereinafter referred to as an "Examination Commissioner" in the following paragraph and paragraph (1) of the following Article) take charge of the affairs concerning judgment as to whether an examinee has the knowledge and skills necessary for a nursery teacher.

(2) The provision of paragraph (1) of the preceding Article shall apply mutatis mutandis to the appointment and dismissal of an Examination Commissioner, and the provision of paragraph (2) of the same Article shall apply mutatis mutandis to the dismissal of an Examination Commissioner.

Article 18-12 (1) An officer or employee of a Designated Examining Body (including Examination Commissioners; the same shall apply in the following paragraph) or a person who used to be such an officer or employee shall not divulge any secret coming to his/her knowledge with regard to the Examination Affairs.

(2) With regard to application of the Penal Code (Act No. 45 of 1907) and other penal provisions, an officer or employee of a Designated Examining Body engaged in the Examination Affairs shall be deemed to be an official engaged in the public services pursuant to laws and regulations.

Article 18-13 (1) A Designated Examining Body shall prescribe the rules concerning implementation of its Examination Affairs (hereinafter referred to as "Rules on Examination Affairs") before commencement of its Examination Affairs and obtain approval from the prefectural governor. The same shall apply when the Rules on Examination Affairs are to be changed.

(2) When a prefectural governor finds that the Rules on Examination Affairs approved pursuant to the provision of the preceding paragraph become inappropriate in terms of proper and reliable implementation of the Examination Affairs, the prefectural governor may order the Designated Examining Body to change this Rules.

Article 18-14 A Designated Examining Body shall prepare its service plan and income and expenditure budget for each business year and obtain approval from the prefectural governor before the start of said business year (or without delay after designation, in the case where the date of its designation as a Designated Examining Body falls on the said business year). The same shall apply when a service plan or an income and expenditure budget is to be changed.

Article 18-15 When a prefectural governor finds it necessary in order to ensure

proper and reliable implementation of the Examination Affairs, the prefectural governor may give orders necessary for the supervision of the Examination Affairs to the Designated Examining Body.

Article 18-16 (1) When a prefectural governor finds it necessary in order to ensure proper and reliable implementation of the Examination Affairs, the prefectural governor may, within the limit necessary therefor, request the Designated Examining Body to make a report, or cause the said prefecture's official to ask relevant persons questions or enter any office of the Designated Examining Body and inspect books and documents and other objects.

(2) When any question or entry and inspection is made pursuant to the provision of the preceding paragraph, said official shall carry his/her certification for identification and produce it upon request by any relevant person.

(3) The authority pursuant to the provision of paragraph (1) shall not be construed as being permitted for criminal investigation.

Article 18-17 A person who has an objection to any disposition pertaining to the Examination Affairs imposed by a Designated Examining Body or its inaction may request investigation by the prefectural governor pursuant to the Administrative Appeal Act (Act No. 160 of 1962).

Article 18-18 (1) In order for a person who is qualified as a nursery teacher to become a nursery teacher, his/her name, date of birth and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare shall be registered in the nursery teachers registry.

(2) The nursery teachers registry shall be kept by the prefectural government.

(3) When an applicant is registered as a nursery teacher, the prefectural governor shall issue a nursery teacher registration certificate stating the matters provided in paragraph (1) to the applicant.

Article 18-19 (1) In the case where a nursery teacher falls under any of the following items, the prefectural governor shall rescind his/her registration:

(i) When he/she becomes a person falling under any of the items of Article 18-5 (excluding item (iv)); or

(ii) When he/she is registered as a nursery teacher based on false or wrongful facts.

(2) When a nursery teacher violates the provisions of Article 18-21 or 18-22, the prefectural governor may rescind his/her registration or order him/her to suspend the use of the name of nursery teacher for a period of time to be specified.

Article 18-20 When the registration of a nursery teacher ceases to be effective, the prefectural governor shall delete such registration.

Article 18-21 A nursery teacher shall not commit any act that may damage the credibility of nursery teachers.

Article 18-22 A nursery teacher shall not divulge any secret of any person coming to his/her knowledge with regard to his/her duties without justifiable ground. The same shall apply even after he/she ceases to be a nursery teacher.

Article 18-23 A person who is not a nursery teacher shall not use the name of nursery teacher or any other confusing name.

Article 18-24 In addition to what is provided for in this Act, other necessary matters concerning nursery teachers such as Designated Nursery Teacher Training Facility, nursery teacher examinations, Designated Examining Body and registration of nursery teachers shall be prescribed by a Cabinet Order.

## **Chapter II Guarantee of Welfare**

### **Section 1 Guidance, etc. on Medical Treatment and Education**

Article 19 (1) A public health center's director shall carry out medical examinations or provide consultation for children with physical disabilities, and shall guide medical treatment and education necessary for them.

(2) A public health center's director may carry out medical examinations or provide consultation for children in need of long-term medical treatment due to illness, and may guide medical treatment and education necessary for them.

(3) When a public health center's director finds that a child to whom a physically disabled certificate is issued pursuant to the provision of Article 15 paragraph (4) of the Physically Disabled Welfare Act (Act No. 283 of 1949) (or the guardian of a child to whom a physically disabled certificate is issued as aforesaid, if he/she is a child with physical disabilities under 15 years of age; the same shall apply hereinafter) falls under any of the reasons listed in Article 16 paragraph (2) item (i) or (ii) the same Act, the public health center's director shall notify the prefectural governor to that effect.

Article 20 (1) The prefectural government may hospitalize a child suffering from bone and joint tuberculosis or other tuberculosis and provide medical treatment and education benefits to him/her, in order to afford learning assistance together with medical treatment.

(2) Medical treatment and education benefits shall mean the provision of medical

care and goods necessary for learning and for life with medical treatment.

(3) The medical care set forth in the preceding paragraph shall mean the performance listed in the following items:

- (i) Clinical examination;
- (ii) Provision of medical agents or therapeutic materials;
- (iii) Medical attention, operative treatment and other therapy, and medical practice;
- (iv) Admission into a hospital or clinic, and caring and other nursing incidental to the medical treatment there; and
- (v) Transport.

(4) Medical treatment and education benefits pertaining to the medical care set forth in paragraph (2) shall be entrusted to, and provided by, a hospital designated by the Minister of Health, Labor and Welfare or the prefectural governor pursuant to the provision of the following paragraph (hereinafter referred to as a "Designated Treatment and Education Institution").

(5) The Minister of Health, Labor and Welfare shall designate the institutions in charge of the medical care set forth in paragraph (2), to be selected from the hospitals set up by the national government, with the competent minister's consent, and a prefectural governor shall designate such institutions, to be selected from other hospitals, with the consent of those who have set up the same.

(6) The designation set forth in the preceding paragraph shall be made toward hospitals conforming to the standards specified by a Cabinet Order.

(7) A Designated Treatment and Education Institution may decline the designation by giving not less than 30 days advance notice.

(8) When a Designated Treatment and Education Institution ceases to conform to the standards specified by a Cabinet Order pursuant to paragraph (6), violates the provision of the following Article, or is found to be extremely inappropriate as an institution in charge of the medical care set forth in paragraph (2) due to any other reason, the Minister of Health, Labor and Welfare may rescind its designation if it has been designated by the Minister of Health, Labor and Welfare, and the prefectural governor may rescind its designation if it has been designated by the prefectural governor.

Article 21 A Designated Treatment and Education Institution shall take charge of the medical care set forth in paragraph (2) of the preceding Article pursuant to the provisions specified by the Minister of Health, Labor and Welfare.

Article 21-2 (1) The medical service policy and medical fees of a Designated Treatment and Education Institution shall be governed by the same rules as the medical service policy and medical fees for health insurance.

(2) When the medical service policy and medical fees prescribed in the preceding paragraph cannot be followed or they are not appropriate to be followed, the medical service policy and medical fees shall be as prescribed by the Minister of Health, Labor and Welfare.

Article 21-3 (1) A prefectural governor may from time to time review the medical service details of a Designated Treatment and Education Institution and the medical fees requested by it and decide the amounts of the medical fees that can be requested by a Designated Treatment and Education Institution pursuant to the provision of the preceding Article.

(2) A Designated Treatment and Education Institution shall comply with decisions made by the prefectural governor set forth in the preceding paragraph.

(3) When a prefectural governor decides the amounts of medical fees that can be requested by a Designated Treatment and Education Institution pursuant to the provision of paragraph (1), the prefectural governor shall hear opinions from the review committee prescribed in the Act on Social Insurance Medical Fee Payment Fund (Act No. 129 of 1948), the national health insurance medical fees review committee prescribed in the National Health Insurance Act (Act No. 192 of 1958), and other reviewing bodies concerning medical care as specified by a Cabinet Order.

(4) A prefectural government may entrust the Social Insurance Medical Fee Payment Fund, a federation of national health insurance or any other person specified by Ordinance of the Ministry of Health, Labour and Welfare to conduct the affairs concerning payments of medical fees to Designated Treatment and Education Institutions.

(5) With regard to a decision of the amounts of medical fees pursuant to the provision of paragraph (1), no appeal pursuant to the Administrative Appeal Act may be entered.

Article 21-4 (1) When a prefectural governor (or the Minister of Health, Labor and Welfare or the prefectural governor, in the case of a Designated Treatment and Education Institution designated by the Minister of Health, Labor and Welfare; the same shall apply in the following paragraph) finds it necessary in order to investigate whether medical fees are correctly claimed by a Designated Treatment and Education Institution, the prefectural governor may request the manager of the Designated Treatment and Education Institution to make a necessary report, or may make said official carry out on-site inspection on medical records, books and documents, and other objects of the Designated Treatment and Education Institution with the consent of its manager.

(2) When the manager of a Designated Treatment and Education Institution,

without justifiable ground, fails to respond to the request for reporting set forth in the preceding paragraph or makes a false report, or refuses the consent set forth in the same paragraph, the prefectural governor may instruct temporary halt of, or halt of, the payments of medical fees by the prefectural government to said Designated Treatment and Education Institution.

(3) When the Minister of Health, Labor and Welfare finds an urgent necessity to protect interests of a child with regard to the affairs placed under the authority of a prefectural governor prescribed in the preceding paragraph (limited to those pertaining to the Designated Treatment and Education Institutions designated by the prefectural governor), the Minister of Health, Labor and Welfare may instruct the prefectural governor to conduct the affairs set forth in the same paragraph.

Article 21-5 For the purpose of pursuing sound upbringing of children or persons under 20 years of age other than children (limited to those who are specified by a Cabinet Order) in need of long-term medical treatment due to any chronic illness specified by the Minister of Health, Labor and Welfare whose condition of said illness corresponds to the level specified by the Minister of Health, Labor and Welfare for each such illness, the prefectural government may provide medical care benefits that will contribute to studies concerning the therapeutic methods for said illness or other necessary studies or other services specified by a Cabinet Order.

#### **Section 2 Support for Residential Life**

##### **Subsection 1 Measures for Disabled Person Welfare Services**

Article 21-6 When a municipal government finds it extremely difficult for the guardian of a disabled child in need of the disabled person welfare services prescribed in Article 5 paragraph (1) of the Act on Self-reliance Support for Persons with Disabilities (hereinafter referred to as "Disabled Person Welfare Service") to receive nursing care benefits or exceptional nursing care benefits prescribed in the same Act (referred to as "Nursing Care Benefits, etc." in Article 56-6 paragraph (1)) due to any unavoidable reason, the municipal government may, in accordance with the standards specified by a Cabinet Order, provide Disabled Person Welfare Services to said disabled child or entrust the provision of Disabled Person Welfare Service to a person other than said municipal government.

Article 21-7 When a person engaged in the Disabled Person Welfare Services provided in Article 5 paragraph (1) of the Act on Self-reliance Support for Persons with Disabilities is requested to accept entrustment pursuant to the

provision of the preceding Article, he/she shall not refuse it without justifiable ground.

### **Subsection 2 Child Care Support Services**

Article 21-8 In order that welfare services pertaining to the child care support services provided in the following Article and other carefully-crafted welfare services in line with the condition of each region can be positively provided and that each guardian can comprehensively receive the most adequate support for fostering his/her children in line with the mental and physical condition, environment and other conditions of said children and guardians, a municipal government shall endeavor to facilitate liaison and coordination for activities of the persons providing or participating in welfare services, and develop other systems in line with the condition of each region.

Article 21-9 For the purpose of contributing to the sound upbringing of children, a municipal government shall endeavor to implement necessary measures in order that after-school child sound upbringing services and short-term child care support services, and the following services as specified by an ordinance of the competent ministry (hereinafter referred to as "Child Care Support Services") can be carried out steadily in its district:

- (i) Support services provided at a child and his/her guardian's residence or any other person's residence provided for the guardian to take care of the child;
- (ii) Support services provided in a nursery center or other facilities for a guardian to take care of a child; and
- (iii) Services to provide consultation to guardians of the child and provide necessary information and advice with regard to all problems concerning taking care of children in each region.

Article 21-10 For the purpose of contributing to the sound upbringing of children, a municipal government shall perform after-school child sound upbringing services in line with the condition of each region and shall endeavor to promote the utilization of after-school child sound upbringing services for the children provided in paragraph (2) of Article 6-2 by such means as carrying out coordination with persons engaged in after-school child sound upbringing services other than said municipal government.

Article 21-11 (1) A municipal government shall provide necessary information concerning Child Care Support Services and, upon request from a guardian, provide consultation and necessary advice to enable said guardian to utilize the most adequate Child Care Support Services, by taking into consideration

said guardian's wishes, the state of foster care of his/her child the content of the support necessary for said child and other circumstances.

(2) Upon request from the guardian receiving advice set forth in the preceding paragraph, the municipal government shall, where necessary, make arrangements or carry out coordination for the utilization of Child Care Support Services and make a request for such utilization by said guardian to a person engaged in the Child Care Support Services.

(3) A municipal government may entrust the affairs concerning the provision of information and consultation and advice set forth in paragraph (1), and the arrangement, coordination and requests set forth in the preceding paragraph to a person other than said municipal government.

(4) A person engaged in Child Care Support Services shall cooperate in the arrangement, coordination and requests made pursuant to the provisions of the preceding two paragraphs as far as possible.

Article 21-12 A person who is, or used to be, engaged in the affairs concerning the provision of information, the consultation and advice, and the arrangement, coordination and requests pursuant to the provision of paragraph (3) of the preceding Article (referred to as "Coordination and Other Affairs" in the following Article and Article 21-14 paragraph (1)) shall not divulge any secret coming to his/her knowledge with regard to such affairs.

Article 21-13 When a mayor of municipality finds it necessary in order to ensure adequate implementation of Coordination and Other Affairs conducted pursuant to the provision of Article 21-11 paragraph (3), he/she may give orders necessary for the supervision of said affairs to the persons accepting the entrusted affairs.

Article 21-14 (1) When a mayor of municipality finds it necessary in order to ensure adequate implementation of Coordination and Other Affairs conducted pursuant to the provision of Article 21-11 paragraph (3), he/she may, within the limit necessary therefor, request a person accepting the entrusted affairs to make a report, or make said municipality's official ask relevant persons questions or enter any office of the person accepting said entrusted affairs and inspect the books and documents and other objects.

(2) The provisions of Article 18-16 paragraphs (2) and (3) shall apply mutatis mutandis to the case referred to in the preceding paragraph.

Article 21-15 A person engaged in Child Care Support Services, other than the national government, prefectural governments and municipal governments, may notify the mayor of municipality of the matters concerning his/her services,

pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

Article 21-16 The national and local governments shall endeavor to provide information and give consultation and other appropriate assistance to persons engaged in Child Care Support Services.

Article 21-17 The national government and prefectures shall endeavor to encourage such studies as will assist measures for improvement of the quality of welfare services performed by persons engaged in Child Care Support Services, and other researches and studies necessary to support to take care of children by their guardians and promote welfare of children.

### **Section 3 Admission into Midwifery Home, Maternal and Child Living Support Facility and Nursery Center**

Article 22 (1) In the case where an expectant and nursing mother in the area of responsibility of the Welfare Office established by a prefectural government, a city and a town or village with a Welfare Office (hereinafter referred to as "Prefecture, etc.") is unable to receive in-hospital midwifery care due to economic reasons, regardless of the necessity in terms of healthcare, the prefecture, etc. shall, when the expectant and nursing mother applies, provide midwifery care to her in a midwifery home; provided, however, that this shall not apply when there is any unavoidable reason such as non-existence of an adjacent midwifery home.

(2) A person who is an expectant and nursing mother prescribed in the preceding paragraph and desires to receive midwifery care in a midwifery home (hereinafter referred to as "Midwifery Care Practice") shall submit to the prefecture, etc. a written application stating a midwifery home in which she desires to stay and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare. In this case, the midwifery home may submit said written application in lieu of said expectant and nursing mother, upon her request, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(3) When any of the prefectures, etc. finds it necessary for an expectant and nursing mother for whom a report or notice pursuant to the provision of Article 25-7 paragraph (2) item (ii) of Article 25-8 item (iii) or Article 26 paragraph (1) item (iv) has been received, the prefecture, etc. shall recommend said expectant and nursing mother to apply for Midwifery Care Practice.

(4) In order to contribute to selection of a midwifery home by an expectant and

nursing mother prescribed in paragraph (1) and ensuring of adequate operation of midwifery homes, the Prefecture, etc. shall provide information concerning the establishments of midwifery homes in the area of responsibility of the Welfare Office established by said Prefecture, etc., their facilities and their state of operation, and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

Article 23 (1) In the case where a guardian in the area of responsibility of the Welfare Office established by any of the Prefectures, etc. is a female without spouse or a female in equivalent circumstances and there is lack in welfare of the child whose custody must be taken by her, the Prefecture, etc., shall, when said guardian applies, take into protective custody the guardian and the child in a maternal and child living support facility; provided, however, that, when there is any unavoidable reason, the arrangement for admission into another appropriate facility, the application of the Public Assistance Act (Act No. 144 of 1950) or any other adequate aid shall be implemented.

(2) A person who is a guardian prescribed in the preceding paragraph and desires to receive aid in a maternal and child living support facility (hereinafter referred to as "Maternal and Child Aid Practice") shall submit to the prefecture, etc. a written application stating a maternal and child living support institution in which she desires to stay and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare. In this case, the maternal and child living support facility may submit said written application in lieu of said guardian, upon her request, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(3) When a guardian prescribed in the preceding paragraph desires to stay in a maternal and child living support facility located outside the area of responsibility of the Welfare Office established by the Prefecture, etc. due to special circumstances, said Prefecture, etc. shall facilitate necessary liaison and coordination for their admission into said institution.

(4) When the Prefecture, etc. finds it necessary for a guardian and her child or children for whom a report or notice pursuant to the provision of Article 25-7 paragraph (2) item (iii), Article 25-8 item (ii) or Article 26 paragraph (1) item (iv) has been received, the Prefecture, etc. shall recommend said guardian to apply for the maternal and child aid.

(5) In order to contribute to selection of a maternal and child living support facility by a guardian prescribed in paragraph (1) and ensuring of adequate operation of maternal and child living support facilities, the Prefecture, etc. shall provide information concerning the establishments of maternal and child

living support facilities, their facilities and their state of operation, and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

- Article 24 (1) In the case where a guardian' working or illness or any other reasons prescribed by a Municipal Ordinance in accordance with the standards specified by a Cabinet Order causes lack in daycare of an infant, a toddler or a child prescribed in Article 39 paragraph (2) whose custody must be taken by the guardian, a municipal government shall, when the guardian applies, provide daycare to those children in a nursery center; provided, however, that other adequate aid shall be provided when there is any unavoidable reason such as non-existence of an adjacent nursery center.
- (2) A guardian who desires daycare for a child prescribed in the preceding paragraph in a nursery center (hereinafter referred to as "Daycare Practice") shall submit to the municipal government a written application stating a nursery center at which he/she desires to place the child and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare. In this case, the nursery center may submit said written application in lieu of said guardian, upon his/her request, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.
- (3) In the case where adequate daycare would become difficult in a certain nursery center if all the children pertaining to the written applications set forth in the preceding paragraph stating their desire for admission into said nursery center were admitted, or in the case where there is any other unavoidable reason, the municipal government may conduct screening of the children to be admitted into said nursery center in an impartial manner.
- (4) When a municipal government finds it necessary for a child for whom a report or notice pursuant to the provision of Article 25-8 item (iii) or Article 26 paragraph (1) item (iv) has been received, the municipal government shall recommend his/her guardian to apply for the daycare.
- (5) In order to contribute to selection of a nursery center by the guardian of a child prescribed in paragraph (1) and ensuring of adequate operation of nursery centers, the municipal government shall provide information concerning the establishments of nursery centers in the municipality's jurisdictional district, their facilities and their state of operation, and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

**Section 4 (Payments of Institutional Benefits for Disabled Children, Large-amount Institutional Benefits for Disabled Children and Benefits for Meal Expenses, etc. for Specified Institutionalized Disabled Children, and Institutional Medical Expenses for Disabled Children)**  
**Subsection 1 Payments of Institutional Benefits for Disabled Children, Large-amount Institutional Benefits for Disabled Children, and Benefits for Meal Expenses, etc. for Specified Institutionalized Disabled Children**

- Article 24-2 (1) When a Recognized Beneficiary Guardian provided in paragraph (6) of the following Article (referred to as a "Recognized Beneficiary Guardian" hereinafter in this Article) applies for admission or institutionalization into an institution for mentally retarded children, a daycare institution for mentally retarded children, an institution for blind or deaf children, an institution for orthopedically impaired children or an institution for severely-retarded children, or a Designated Medical Institution as designated by the prefectural governor (hereinafter referred to as "Designated Institution for Mentally Retarded Children, etc.": such admission or institutionalization being hereinafter referred to as "Admission, etc.") during the period of time provided pursuant to the provision of paragraph (4) of the following Article and the guardian receives institutional support for disabled children from said Designated Institution for Mentally Retarded Children, etc. (hereinafter referred to as "Designated Institutional Support"), the prefectural government shall pay Institutional Benefits for Disabled Children to said Recognized Beneficiary Guardian with regard to expenses spent for said Designated Institutional Support (excluding such expenses spent for meal provision, expenses spent for residency or stay and other expenses spent for daily life that are provided by an Ordinance of the Ministry of Health, Labour and Welfare, and expenses spent on therapy (hereinafter referred to as "Specified Expenses")).
- (2) The amount of Institutional Benefits for Disabled Children shall be ninety-hundredths (90/100) of the amount of expenses calculated, in accordance with the standards specified by the Minister of Health, Labor and Welfare according to each type of institutional support for disabled children, with regard to expenses (excluding Specified Expenses) generally spent for the Designated Institutional Support (or, instead of ninety-hundredths, (90/100) the full amount of such expenses actually spent for said Designated Institutional Support (excluding Specified Expenses), when the amount so calculated exceeds the amount of such actual expenses).
- (3) When the amount obtained by deducting the total amount of Institutional

Benefits for Disabled Children for one and the same month as calculated pursuant to the provision of the preceding paragraph from the total amount of expenses (excluding Specified Expenses) spent for the Designated Institutional Support provided to a Recognized Beneficiary Guardian in said specific month exceeds the amount specified by a Cabinet Order by taking into account the impact on the household finances of said Recognized Beneficiary Guardian and other circumstances, the amount of Institutional Benefits for Disabled Children for said one and the same month shall be equal to the amount specified by a Cabinet Order that shall be within the range more than ninety-hundredths (90/100) of the amount of expenses calculated pursuant to the provision of the preceding paragraph and not more than the full amount (100/100) thereof, notwithstanding the provision of the preceding paragraph.

Article 24-3 (1) When the guardian of a disabled child intends to receive Institutional Benefits for Disabled Children pursuant to the provision of paragraph (1) of the preceding Article, the guardian shall make an application with the prefectural government, according to each type of institutional support for disabled children, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(2) When an application set forth in the preceding paragraph is made, the prefectural government shall decide whether to pay Institutional Benefits for Disabled Children, by taking into consideration the type and level of the dysfunction of the disabled child pertaining to said application, the state of a caretaker of said disabled child, the state of receipt of Institutional Benefits for Disabled Children by the guardian of said disabled child, and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(3) In the case where a decision is made pursuant to the provision of the preceding paragraph, the prefectural government shall hear opinions from the child guidance center's director.

(4) In the case where a decision to pay Institutional Benefits for Disabled Children (hereinafter referred to as "Decision on Institutional Benefits Payment") is made, a period for payments of Institutional Benefits for Disabled Children shall be specified.

(5) A period set forth in the preceding paragraph may not exceed the period specified for each type of institutional support for disabled children specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(6) When a Decision on Institutional Benefits Payment is made, the prefectural government shall issue a beneficiary certificate (hereinafter referred to as "Institutional Beneficiary Certificate") stating the period specified pursuant to the provision of paragraph (4) (hereinafter referred to as "Benefits Payment Period") to the guardian of the disabled child for whom said Decision on

Institutional Benefits Payments is made (hereinafter referred to as "Recognized Beneficiary Guardian"), pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(7) A Recognized Beneficiary Guardian who intends to receive Designated Institutional Support shall receive said Designated Institutional Support by presenting his/her Institutional Beneficiary Certificate to the Designated Institution for Mentally Retarded Children, etc., pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare; provided, however, that this shall not apply in the case of an emergency or any other unavoidable reason.

(8) When a Recognized Beneficiary Guardian has received Designated Institutional Support from a Designated Institution for Mentally Retarded Children, etc. (limited to the cases where said Recognized Beneficiary Guardian has presented his/her Institutional Beneficiary Certificate to said Designated Institution for Mentally Retarded Children, etc.), the prefectural government may pay expenses spent for said Designated Institutional Support that are payable by said Recognized Beneficiary Guardian to said Designated Institution for Mentally Retarded Children, etc. (excluding Specified Expenses), in lieu of said guardian, to said Designated Institution for Mentally Retarded Children, etc., within the limit of the amount payable to said Recognized Beneficiary Guardian as the Institutional Benefits for Disabled Children.

(9) When a payment is made pursuant to the provision of the preceding paragraph, the Institutional Benefits for Disabled Children for the referenced Recognized Beneficiary Guardian shall be deemed to have been paid.

(10) When a Designated Institution for Mentally Retarded Children, etc. requests Institutional Benefits for Disabled Children, the prefectural government shall pay the same after the examination in light of the standards specified by the Minister of Health, Labor and Welfare as set forth in paragraph (2) of the preceding Article and the standards on facilities and operation of designated retarded child institutions, etc. as set forth in Article 24-12 paragraph (2) (limited to the portions of such standards relating to handling of Designated Institutional Support).

(11) A prefectural government may entrust a national health insurance federation provided in Article 45 paragraph (5) of the National Health Insurance Act or any other non-profit corporation provided by an Ordinance of the Ministry of Health, Labour and Welfare to conduct the affairs concerning payments pursuant to the provision of the preceding paragraph.

Article 24-4 (1) A prefectural government making a Decision on Institutional Benefits Payment may rescind said Decision on Institutional Benefits Payment in any of the cases listed in the following items:

- (i) When the prefectural government finds no longer necessary for the disabled child pertaining to the Decision on Institutional Benefits Payment to receive the Designated Institutional Support; or
- (ii) When the prefectural government finds that the Recognized Beneficiary Guardian moves his/her place of residence to the district of any other prefecture during the Benefits Payment Period.

(2) A prefectural government rescinding a Decision on Institutional Benefits Payment pursuant to the provision of the preceding paragraph shall request the Recognized Beneficiary Guardian pertaining to said rescission to return the Institutional Beneficiary Certificate pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(3) In addition to what is prescribed in the preceding two paragraphs, necessary matters concerning rescission of a Decision on Institutional Benefits Payment shall be prescribed by a Cabinet Order.

Article 24-5 In the case where the prefectural government applies the provision of paragraph (2) of Article 24-2 to payments of Institutional Benefits for Disabled Children to a Recognized Beneficiary Guardian since it finds difficult for him/her to bear expenses spent for institutional support for disabled children due to disaster or other special circumstances specified by an Ordinance of the Ministry of Health, Labour and Welfare, the term "ninety-hundredths (90/100)" referred to in the same paragraph shall be replaced with "a percentage specified by the prefectural government within a range more than ninety-hundredths (90/100) and not more than the full amount (100/100) thereof".

Article 24-6 (1) When the amount obtained by deducting the total amount of Institutional Benefits for Disabled Children paid in relation to the expenses spent for Designated Institutional Support received by a Recognized Beneficiary Guardian from the total amount of such expenses is extremely costly, Large-amount Institutional Benefits for Disabled Children shall be paid to said guardian pursuant to the provisions of Cabinet Order.

(2) In addition to what is prescribed in the preceding paragraph, the requirements for payments of Large-amount Institutional Benefits for Disabled Children, the amounts to be paid, and other necessary matters concerning payments of Large-amount Institutional Benefits for Disabled Children shall be prescribed by a Cabinet Order by considering the impact of the burden of expenses spent for Designated Institutional Support on household finances.

Article 24-7 (1) When a disabled child (excluding persons attending daycare institutions for mentally retarded children and other persons specified by an

Ordinance of the Ministry of Health, Labour and Welfare) pertaining to such a Recognized Beneficiary Guardian that is specified by an Ordinance of the Ministry of Health, Labour and Welfare by taking into account his/her state of income and other circumstances is admitted into a Designated Institution for Mentally Retarded Children, etc. during the Benefits Payment Period and the disabled children receives Designated Institutional Support from said Designated Institution for Mentally Retarded Children, etc., the prefectural government shall, pursuant to the provisions of a Cabinet Order, pay Benefits for Meal Expenses, etc. for Specified Institutionalized Disabled Children to said Recognized Beneficiary Guardian with regard to the expenses spent for the provision of meals and for residence in said Designated Institution for Mentally Retarded Children, etc.

(2) The provisions of paragraphs (7) to (11) inclusive of Article 24-3 shall apply mutatis mutandis to payments of Benefits for Meal Expenses, etc. for Specified Institutionalized Disabled Children. In this case, necessary terminological replacements shall be prescribed by a Cabinet Order.

Article 24-8 In addition to what is prescribed in this Subsection, necessary matters concerning the payments of Institutional Benefits for Disabled Children, Large-amount Institutional Benefits for Disabled Children or Benefits for Meal Expenses, etc. for Specified Institutionalized Disabled Children and requests by Designated Institution for Mentally Retarded Children, etc. for Institutional Benefits for Disabled Children or Benefits for Meal Expenses, etc. for Specified Institutionalized Disabled Children shall be prescribed by an Ordinance of the Ministry of Health, Labour and Welfare.

**Subsection 2 Designated Institution for Mentally Retarded Children, etc.**

Article 24-9 (1) The designation set forth in Article 24-2 paragraph (1) shall be made for an institution for mentally retarded children, a daycare institution for retarded children, an institution for blind or deaf children, an institution for orthopedically impaired children, or an institution for severely-retarded children (hereinafter referred to as "Institution for Mentally Retarded Children, etc.") based on an application by its establisher, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(2) In the case where an application set forth in the preceding paragraph is made, the prefectural governor shall not designate the referenced facility as a Designated Institution for Mentally Retarded Children, etc. (excluding Designated Medical Institutions; the same shall apply in Articles 24-13, 24-14, 24-17 and 24-18) when it falls under any of the following items:

- (i) When the applicant is not a juridical person;
- (ii) When the knowledge and skills of the employees of the institution for mentally retarded children, etc. pertaining to said application and its personnel staffing do not satisfy the standards specified by an Ordinance of the Ministry of Health, Labour and Welfare set forth in Article 24-12 paragraph (1);
- (iii) When the prefectural government finds the applicant to be unable to operate the institution for mentally retarded children, etc. adequately in accordance with the standards on facilities and operation of Designated Institution for Mentally Retarded Children, etc. specified by an Ordinance of the Ministry of Health, Labour and Welfare as set forth in Article 24-12 paragraph (2);
- (iv) When any officer (which shall mean an employee, director, executive officer or other equivalent person executing corporate affairs, including a person with counselor, advisor or any other title whatsoever who is found to have such a power to control the juridical person that is equivalent or superior to that of any employee, director, executive officer or other equivalent person executing corporate affairs) of the applicant or the head of the institution for mentally retarded children, etc. pertaining to said application (hereinafter referred to as "Officers, etc.") is a person sentenced to imprisonment or severer punishment and awaiting the completion or discontinuation of its execution;
- (v) When the applicant or any of its Officers, etc. is a person punished by a fine pursuant to such provisions of this Act or of any other act on healthcare or welfare of citizens as specified by a Cabinet Order and awaiting the completion or discontinuation of its execution;
- (vi) When the applicant is a person subject to a rescission of designation pursuant to the provision of Article 24-17 and awaiting a lapse of 5 years from the date of the rescission;
- (vii) When any of the Officers, etc. of the applicant is a person who used to be an officer, etc. of a juridical person on which a rescission of the designation was imposed within 60 days prior to the notice pursuant to the provision of Article 15 of the Administrative Procedure Act (Act No. 88 of 1993) pertaining to the disposition of said rescission of designation pursuant to the provision of Article 24-17 and who is awaiting a lapse of 5 years from the date of said rescission;
- (viii) When the applicant is a person who declines the designation pursuant to the provision of Article 24-14 during the period commencing on the date of the notice pursuant to the provision of Article 15 of the Administrative Procedure Act pertaining to the rescission of designation pursuant to the provision of Article 24-17 and ending on the date on which said disposition is

- implemented or decided to be discontinued (excluding a person having a reasonable ground for declining said designation) and who is awaiting a lapse of 5 years from the date of said declination;
  - (ix) When any of the Officers, etc. of the applicant is a person who used to be an officer, etc. of the juridical person pertaining to the declination (excluding a juridical person having a reasonable ground for declining said designation) within 60 days prior to the date of the notice referred to in the preceding item, in the case where the designation pursuant to the provision of Article 24-14 was declined within the period provided in the preceding item, and who is awaiting a lapse of 5 years from the date of said declination; or
  - (x) When the applicant or any of its Officers, etc. is a person who committed a wrongdoing or extremely unjust act, within 5 years prior to the date of the application for designation, with regard to institutional support for disabled children.
- Article 24-10 (1) The designation set forth in paragraph (1) of Article 24-2 shall cease to be effective after a lapse of the term then in force, unless the designation is renewed every 6 years.
- (2) In the case where a renewal set forth in the preceding paragraph is applied, when no disposition is implemented for the application by the expiration date of the period set forth in the same paragraph (referred to as a "Valid Period for Designation" hereinafter in this Article), the designation before the renewal shall remain in force until the disposition is implemented, even after the expiration of the Valid Period for Designation.
- (3) When the designation is renewed in the case referred to in the preceding paragraph, the Valid Period for Designation as renewed shall start from the day following the expiration date of the Valid Period for Designation before the renewal.
- (4) The provision of the preceding Article shall apply mutatis mutandis to renewal of designation set forth in paragraph (1). In this case, necessary terminological replacements shall be prescribed by a Cabinet Order.
- Article 24-11 (1) In order to enable a disabled child to lead self-reliant daily life or social life according to their inherent abilities and aptitudes, the establisher of a Designated Institution for Mentally Retarded Children, etc. shall facilitate close coordination with administrative organs, educational institutions and other relevant bodies, and endeavor to effectively implement institutional support for disabled children according to the intention, aptitudes, characteristics of dysfunctions and other circumstances of said disabled child.
- (2) The establisher of a Designated Institution for Mentally Retarded Children, etc. shall endeavor to improve the quality of its institutional support for

disabled children by carrying out assessment of the quality of its own institutional support for disabled children and by taking other measures.

(3) The establisher of a Designated Institution for Mentally Retarded Children, etc. shall respect the character of each disabled child, comply with this Act or orders pursuant to this Act, and faithfully perform his/her own duties for disabled children and their guardians.

Article 24-12 (1) The establisher of a Designated Institution for Mentally Retarded Children, etc. shall have employees engaged in Designated Institutional Support in accordance with the standards specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(2) The establisher of a Designated Institution for Mentally Retarded Children, etc. shall provide Designated Institutional Support in accordance with the standards on facilities and operation of designated retarded child institutions, etc. specified by an Ordinance of the Ministry of Health, Labour and Welfare.

Article 24-13 When there is any change in his/her address or any other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare, the establisher of a Designated Institution for Mentally Retarded Children, etc. shall notify the prefectural governor to that effect within 10 days pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

Article 24-14 A Designated Institution for Mentally Retarded Children, etc. may decline its designation with not less than 3 months period of advance notice.

Article 24-15 (1) When a prefectural governor finds necessary, he/she may order a person who is, or used to be, the establisher or director or any other employee of a Designated Institution for Mentally Retarded Children, etc. (hereinafter referred to as "Designated Institution Establisher, etc.") to make a report or submit or present books and documents and other objects, request the appearance of a person who is, or used to be, a Designated Institution Establisher, etc., or may make said prefecture's official ask relevant persons questions or enter any office of said Designated Institution for Mentally Retarded Children, etc. and inspect books and documents and other objects.

(2) When any question or inspection is made pursuant to the provision of the preceding paragraph, said official shall carry his/her certification for identification and produce it upon request by any relevant person.

(3) The authority pursuant to the provision of paragraph (1) shall not be construed as being permitted for criminal investigation.

Article 24-16 (1) When a prefectural governor finds that the establisher of a

Designated Institution for Mentally Retarded Children, etc. fails to conform to the standards specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in Article 24-12 paragraph (1) in respect of the knowledge or skills of its employees of the institution pertaining to the referenced designation or its personnel staffing or fails to operate the Designated Institution for Mentally Retarded Children, etc. adequately in accordance with the standards on facilities and operation of designated retarded child institutions, etc. specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (2) of the same Article, the prefectural governor may recommend the establisher of said Designated Institution for Mentally Retarded Children, etc. to comply with the standards specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (1) of the same Article, or comply with the standards on facilities and operation of designated retarded child institutions, etc. specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (2) of the same Article, by a due date to be specified.

(2) In the case where a recommendation is made pursuant to the provision of the preceding paragraph, when the establisher of the Designated Institution for Mentally Retarded Children, etc. receiving such recommendation fails to comply with the same by the due date set forth in the same paragraph, the prefectural governor may publicize such non-compliance.

(3) When the establisher of a Designated Institution for Mentally Retarded Children, etc. receiving a recommendation pursuant to the provision of paragraph (1) fails to take a measure pertaining to the recommendation without justifiable ground, the prefectural governor may order the establisher of said Designated Institution for Mentally Retarded Children, etc. to take the measure pertaining to the recommendation by a due date to be specified.

(4) When an order is provided pursuant to the provision of the preceding paragraph, the prefectural governor shall give public notice to that effect.

Article 24-17 In any of the cases set forth in the following items, the prefectural governor may rescind the designation set forth in Article 24-2 paragraph (1) pertaining to the referenced Designated Institution for Mentally Retarded Children, etc. or suspend the validity of the designation, in whole or in part, for a period of time to be specified:

(i) When the establisher of the designated retarded child institutions, etc. or any of its Officers, etc. becomes a person falling under Article 24-9 paragraph (2) item (iv), (v), (vii) or (ix);

(ii) When it is found that the establisher of the Designated Institution for Mentally Retarded Children, etc. has violated the provision of Article 24-11 paragraph (3);

- (iii) When the establisher of the Designated Institution for Mentally Retarded Children, etc. becomes unable to satisfy the standards specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in Article 24-12 paragraph (1) in respect of the knowledge or skills of its employees of the institution pertaining to said designation or in respect of its personnel staffing;
- (iv) When the establisher of the Designated Institution for Mentally Retarded Children, etc. becomes unable to operate the Designated Institution for Mentally Retarded Children, etc. adequately in accordance with the standards on facilities and operation of designated retarded child institutions, etc. specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in Article 24-12 paragraph (2);
- (v) When any wrongdoing is found with regard to a request for Institutional Benefits for Disabled Children, Benefits for Meal Expenses, etc. for Specified Institutionalized Disabled Children or Institutional Medical Expenses for Disabled Children;
- (vi) When the Designated Institution Establisher, etc. fails to comply with an order for reporting or submission or presentation of books and documents and other objects pursuant to the provision of Article 24-15 paragraph (1), or makes a false report in response to such an order;
- (vii) When the Designated Institution Establisher, etc. fails to comply with an order for appearance pursuant to the provision of Article 24-15 paragraph (1), fails to give an answer or makes a false answer in response to a question pursuant to the provision of the same paragraph, or refuses, interferes with, or recuses the entry or inspection pursuant to the provision of the same paragraph; provided, however, that this shall not apply when the establisher or director of the Designated Institution for Mentally Retarded Children, etc. had fulfilled his/her duty of reasonable care and supervision to prevent any of the acts above mentioned in the case where such an act has been committed by an employee of said Designated Institution for Mentally Retarded Children, etc.;
- (viii) When the establisher of the Designated Institution for Mentally Retarded Children, etc. obtains the designation set forth in Article 24-2 paragraph (1) by a wrongful means;
- (ix) When the establisher of the Designated Institution for Mentally Retarded Children, etc. violates this Act or any other act on healthcare or welfare of citizens as specified by a Cabinet Order or any order pursuant to any of these acts or any disposition pursuant thereto, in addition to the cases listed in the preceding items respectively;
- (x) When the establisher of the Designated Institution for Mentally Retarded Children, etc. commits a wrongdoing or unjust act with regard to

institutional support for disabled children, in addition to the cases listed in the preceding items respectively; or

- (xi) When the establisher of the Designated Institution for Mentally Retarded Children, etc. and its Officers, etc. include such a person who has committed a wrongdoing or unjust act with regard to institutional support for disabled children within 5 years prior to the time when the rescission of designation or the whole or partial suspension of its validity is intended.

Article 24-18 A prefectural governor shall give public notice in any of the cases listed in the following items:

- (i) When a prefectural governor has made the designation of a Designated Institution for Mentally Retarded Children, etc. set forth in Article 24-2 paragraph (1);
- (ii) When a Designated Institution for Mentally Retarded Children, etc. has declined the designation pursuant to the provision of Article 24-14; and
- (iii) When the designation of a Designated Institution for Mentally Retarded Children, etc. has been rescinded pursuant to the provision of the preceding Article.

Article 24-19 (1) A prefectural government shall provide necessary information concerning designated retarded child institutions, etc. and provide consultations and give advice with regard to the utilization thereof.

- (2) Upon request from a disabled child or his/her guardian, the prefectural government shall make arrangement or coordination for the utilization of a Designated Institution for Mentally Retarded Children, etc. and, where needed, make a request for the utilization by said disabled child to the establisher of a Designated Institution for Mentally Retarded Children, etc.
- (3) The establisher of a Designated Institution for Mentally Retarded Children, etc. shall cooperate in the arrangement, coordination and requests set forth in the preceding paragraph as far as possible.

**Subsection 3 Payments of Institutional Medical Expenses for Disabled Children**

Article 24-20 (1) When a disabled child pertaining to a Decision on Institutional Benefits Payment receives the institutional support for disabled children pertaining to therapy (hereinafter referred to as "Institutional Medical Care for Disabled Children") from a Designated Institution for Mentally Retarded Children, etc. (limited to such hospitals and other facilities as specified by an Ordinance of the Ministry of Health, Labour and Welfare; the same shall apply hereinafter in this Article, the following Article and Article 24-23) during the

Benefits Payment Period, the prefectural government shall, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare, pay Institutional Medical Expenses for Disabled Children to the Recognized Beneficiary Guardian pertaining to said disabled child with regard to the expenses spent for said Institutional Medical Care for Disabled Children; and

(2) The amount of Institutional Medical Expenses for Disabled Children shall be the total amount of the amounts listed in the following items:

- (i) Ninety-hundredths (90/100) of the amount calculated with regard to the referenced Institutional Medical Care for Disabled Children (excluding dietary treatment (which shall mean dietary treatment provided in Article 63 paragraph (2) of the Health Insurance Act (Act No. 70 of 1922); the same shall apply hereinafter in this paragraph); the same shall apply hereinafter in this item) by applying the calculation method for the amount of expenses spent for medical treatment covered by health insurance; provided, however, that, when ten-hundredths (10/100) of the total amount of expenses spent by the referenced Recognized Beneficiary Guardian for Institutional Medical Care for Disabled Children in a specific month exceeds the amount provided by a Cabinet Order by taking into account the impact on the household finances of said Recognized Beneficiary Guardian and other circumstances, the amount calculated pursuant to the provisions of a Cabinet Order shall apply; which shall be within a range of the amount calculated with regard to said Institutional Medical Care for Disabled Children by applying the calculation method for the amount of expenses spent for medical treatment covered by health insurance; and
- (ii) The amount obtained by deducting the amount provided by the Minister of Health, Labour and Welfare, by taking into consideration the standard coverage provided in Article 85 paragraph (2) of the Health Insurance Act, the state of income of the Recognized Beneficiary Guardian and other circumstances, from the amount calculated with regard to said Institutional Medical Care for Disabled Children (limited to dietary treatment) by applying the calculation method for the amount of expenses spent for medical treatment covered by health insurance.
- (3) When the calculation method for the amount of expenses spent for the medical treatment prescribed in the preceding paragraph cannot apply, or when it is not appropriate to apply the same, the calculation method for the amount of expenses spent for the Institutional Medical Care for Disabled Children shall be as prescribed by the Minister of Health, Labour and Welfare.
- (4) When a disabled child pertaining to a decision on institutional benefits payment receives Institutional Medical Care for Disabled Children from a Designated Institution for Mentally Retarded Children, etc., the prefectural government may pay such expenses spent for said Institutional Medical Care

for Disabled Children that are payable by the Recognized Beneficiary Guardian pertaining to said disabled child to the referenced Designated Institution for Mentally Retarded Children, etc., in lieu of said Recognized Beneficiary Guardian, to said designated retarded child institutions, etc., within the limit of the amount payable to said Recognized Beneficiary Guardian as the Institutional Medical Expenses for Disabled Children.

(5) When a payment is made pursuant to the provision of the preceding paragraph, the Institutional Medical Expenses for Disabled Children for said Recognized Beneficiary Guardian shall be deemed to have been paid.

Article 24-21 The provision of Article 21 shall apply mutatis mutandis to designated retarded child institutions, etc., and the provisions of Articles 21-2 and 21-3 shall apply mutatis mutandis to payments of Institutional Medical Expenses for Disabled Children to designated retarded child institutions, etc. In this case, the phrase "the medical care set forth in paragraph (2) of the preceding Article" referred to in Article 21 shall be deemed to be replaced with "the Institutional Medical Care for Disabled Children provided in Article 24-20 paragraph (1)", the phrase "medical service policy and medical fees" referred to in Article 21-2 shall be deemed to be replaced with "medical service policy", and the phrase "medical fees" referred to in Article 21-3 (excluding paragraph (2)) shall be deemed to be replaced with "Institutional Medical Expenses for Disabled Children".

Article 24-22 A payment of Institutional Medical Expenses for Disabled Children shall not be made within the limit equivalent to the amount that a recipient can receive according to the state of the referenced dysfunction as prescribed in the subsequent sentence. When the recipient can receive dependent medical treatment expenses pursuant to the Health Insurance Act or other benefits pursuant to relevant laws and regulations and such expenses or benefits are specified by a Cabinet Order and fall under the payment of Institutional Medical Expenses for Disabled Children, the limit specified by a Cabinet Order shall apply as the limit referred to in the preceding sentence, and when any benefit other than those specified by said Cabinet Order that falls under the payment of Institutional Medical Expenses for Disabled Children is paid and borne by the national government or local government, the amount so paid shall apply as the limit referred to in the preceding sentence.

Article 24-23 In addition to what is prescribed in this Subsection, necessary matters concerning the payments of Institutional Medical Expenses for Disabled Children and the requests by designated retarded child institutions, etc. for Institutional Medical Expenses for Disabled Children shall be

prescribed by an Ordinance of the Ministry of Health, Labour and Welfare.

### **Section 5 Protective Measures, etc. for an Aid-requiring Child**

Article 25 A person who discovers an Aid-requiring Child shall give notification directly to a Welfare Office or child guidance center established by the municipal or prefectural government, or to said Welfare Office or child guidance center through a commissioned child welfare volunteer; provided, however, that this shall not apply to a child of 14 years of age or more who has committed a crime. In this case, notification shall be given to the family court.

Article 25-2 (1) In order to singly or jointly pursue adequate protective care for an Aid-requiring Child, a local government shall endeavor to set up a regional council of countermeasures for Children Requiring Aid (hereinafter referred to as a "Council") consisting of relevant bodies, relevant organizations and persons engaged in the duties relevant to welfare of children, and other relevant persons (hereinafter referred to as "Relevant Bodies, etc.>").

(2) A Council shall exchange information concerning an Aid-requiring Child and their guardians (hereinafter referred to as "Aid-requiring Child, etc.") and other information necessary to pursue adequate protective care for Children Requiring Aid and confer on the contents of the support for Children, etc. Requiring Aid.

(3) When a local government establishes a Council, the head of the local government shall give public notice to that effect pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(4) The head of a local government who establishes a Council shall designate only one coordinating organization of countermeasures for Aid-requiring Child to be selected from the Relevant Bodies, etc. constituting the Council.

(5) A coordinating organization of countermeasures for an Aid-requiring Child shall conduct overall management of affairs concerning the Council, accurately understand the state of the implementation of the support for an Aid-requiring Child, etc. so as to enable its adequate implementation, and carry out liaison and coordination with the child guidance center and other Relevant Bodies, etc., where needed.

Article 25-3 A Council may, when it finds necessary in order to exchange information and confer as prescribed in paragraph (2) of the preceding Article, request Relevant Bodies, etc. to furnish materials or information, state their opinions, or provide other necessary cooperation.

Article 25-4 In addition to what is prescribed in the preceding two Articles,

necessary matters concerning the organization and operation of a Council shall be prescribed by the Council.

Article 25-5 In accordance with the categories of the Relevant Bodies, etc. constituting a Council listed in the following items, no person prescribed in each such item shall divulge any secret coming to his/her knowledge with regard to the duties of the Council without justifiable ground:

- (i) Organs of the national or a local government: A person who is, or used to be, an official of any such organ;
- (ii) Juridical persons: A person who is, or used to be, an officer or employee of any such juridical person; and
- (iii) Persons other than those listed in the preceding two items: A person who is, or used to be, a member of the Council.

Article 25-6 When it finds necessary in the case where notification pursuant to the provision of Article 25 is received, a Welfare Office or child guidance center established by a municipal or prefectural government shall promptly ascertain an understanding of the state of the referenced child.

Article 25-7 (1) A municipal government (excluding towns and villages prescribed in the following paragraph) shall accurately understand the state of the implementation of the support for an Aid-requiring Child, etc., and take any of the measures set forth in the following items when the municipal government finds necessary for a child for whom notification has been received or consultation has been provided pursuant to the provision of Article 25 or his/her guardian (hereinafter referred to as "Child, etc. under Notification");

(i) Refer any person who is found to be in need of a measure set forth in Article 27, and any person who is found to be in need of medical, psychological, pedagogical, sociological or mental health judgment, to the child guidance center; or

- (ii) Make a Welfare Officer for retarded persons prescribed in Article 9 paragraph (5) of the Retarded Person Welfare Act (Act No. 37 of 1960) or a certified social worker of the Welfare Office established by the municipal government provide guidance to a Child, etc. under Notification.
- (iii) Give notice of, any person who is found to be in need of a request of an appearance and an investigation or a question pursuant to the provision of Article 8-2 paragraph (1) of the Act on the Prevention, etc. of Child Abuse (Act No. 82 of 2000), or an entry and an investigation or a question pursuant to the provision of Article 29 or Article 9 paragraph (1) the same act, or a temporary custody pursuant to the provision of Article 33 paragraph (1) or (2), to a prefectural governor or a child guidance center's director.

- (2) A town or village without a Welfare Office shall accurately understand the state of the implementation of the support for an Aid-requiring Child, etc., and take any of the measures set forth in the following items when said town or village finds necessary for a Child, etc. under Notification or an expectant and nursing mother:
- (i) Refer any person who is found to be in need of a measure set forth in Article 27, and any person who is found to be in need of medical, psychological, pedagogical, sociological or mental health judgment, to the child guidance center;
  - (ii) Refer any person for whom a measure set forth in item (ii) of the following Article is found appropriate to the Welfare Office established by the prefectural government to which said town or village belongs; or
  - (iii) Report a person for whom the Midwifery Care Practice or the Maternal and Child Aid Practice is found appropriate to the prefectural governor pertaining to such practice.
  - (iv) Give notice of, any person who is found to be in need of a request of an appearance and an investigation or a question pursuant to the provision of Article 8-2 paragraph (1) of the Act on the Prevention, etc. of Child Abuse, or an entry and an investigation or a question pursuant to the provision of Article 29 or Article 9 paragraph (1) the same act, or a temporary custody pursuant to the provision of Article 33 paragraph (1) or (2), to a prefectural governor or a child guidance center's director.
- Article 25-8 The head of a Welfare Office established by a prefectural government shall take a measure set forth in any of the following items, when he/she finds necessary for a child for whom notification pursuant to the provision of Article 25 or a referral pursuant to the provision of paragraph (2) item (i) of the preceding Article or paragraph (1) item (ii) of the following Article is made, or a child, his/her guardian or an expectant and nursing mother for whom consultation is provided:
- (i) Refer any person who is found to be in need of a measure set forth in Article 27, and any person who is found to be in need of medical, psychological, pedagogical, sociological or mental health judgment, to the child guidance center;
  - (ii) Cause children or their guardians to be guided by a Welfare Officer for retarded persons or a social welfare secretary of the Welfare Office;
  - (iii) Report on, or give notice of, any person for whom it is found appropriate to practice midwifery care, maternal and child aid or daycare (hereinafter referred to as "Daycare Practice, etc.") to the head of the prefecture or municipality pertaining to such Daycare Practice, etc.; or
  - (iv) Report on, or give notice of, any person who is found to be in need of a

- measure set forth in Article 21-6 to the head of the municipality pertaining to the measure.
- Article 26 (1) A child guidance center's director shall take a measure set forth in any of the following items when he/she finds necessary for a child for whom notification pursuant to the provision of Article 25 of this Act or a referral pursuant to the provision of Article 25-7 paragraph (1) item (i) or paragraph (2) item (i) of the same Article or item (i) of the preceding Article of this Act, or Article 6-6 paragraph (1) or Article 18 paragraph (1) of the Juvenile Act (Act No. 168 of 1948) is made, or for a child, his/her guardian or an expectant and nursing mother for whom consultation is provided:
- (i) Report on any person who is found to be in need of a measure set forth in the following Article to the prefectural governor;
  - (ii) Cause children or their guardians to be guided by a Child Welfare Officer or a commissioned child welfare volunteer, or entrust such guidance to a child and family support center established by a person other than the prefectural government or to a person other than the prefectural government who is engaged in the consultation support services provided in Article 5 paragraph (17) of the Act on Self-reliance Support for Persons with Disabilities (hereinafter referred to as "Consultation Support Services" in paragraph (1) item (ii) of the following Article and Article 34-6);
  - (iii) Refer any person for whom it is found appropriate to take a measure set forth in of Article 25-7 paragraph (1) item (ii) or item (ii) of the preceding Article to the Welfare Office;
  - (iv) Report on, or give notice of, any person for whom it is found appropriate to provide the Daycare Practice, etc. to the head of the prefectural or municipal government pertaining to such Daycare Practice, etc.; or
  - (v) Report on, or give notice of, any person for whom it is found appropriate to take a measure pursuant to the provision of Article 21-6 to the head of the municipal government pertaining to such a measure.
- (2) A report pursuant to the provision of item (i) of the preceding paragraph shall state the address, name, age, history, character and conduct, health condition and family environment of the referenced child, the intent of said child and his/her guardian with regard to the measure provided in the same item, and other referential matters concerning promotion of welfare of the child.
- Article 27 (1) A prefectural government shall take a measure set forth in any of the following items with regard to a child for whom a report pursuant to paragraph (1) item (i) of the preceding Article or a referral pursuant to Article 18 paragraph (2) of the Juvenile Act is made:
- (i) Provide an admonition to the child or his/her guardian, or cause him/her to

- submit a written pledge;
- (ii) Cause the child or his/her guardian to be guided by a Child Welfare Officer, a welfare officer for mentally retarded persons, a social welfare secretary, a commissioned child welfare volunteer, or the child and family support center established by said prefectural government, or an official pertaining to the Consultation Support Services performed by said prefectural government, or entrust such guidance to a child and family support center established by a person other than said prefectural government, or to a person other than said prefectural government engaged in Consultation Support Services;
  - (iii) Entrust the child to a foster parent, or admit the child into an infant home, a foster home, an institution for mentally retarded children, a daycare institution for mentally retarded children, an institution for blind or deaf children, an institution for orthopedically impaired children, an institution for severely-retarded children, a short-term therapeutic institution for emotionally disturbed children, or a children's self-reliance support facility; or
  - (iv) Refer the child to the family court if it is found appropriate to submit him/her to the family court's inquiry.
- (2) With regard to a child prescribed in Article 43-3 or 43-4, the prefectural government may, in lieu of the measure set forth in item (iii) of the preceding paragraph, entrust a Designated Medical Institution to hospitalize the child and provide him/her with therapy, etc. equivalent to those that would be provided in an institution orthopedically impaired children or an institution for severely-retarded children.
  - (3) When a prefectural governor intends to take a measure set forth in paragraph (1) for a child referred pursuant to the provision of Article 18 paragraph (2) of the Juvenile Act, the prefectural governor shall follow an instruction based on a decision by the family court.
  - (4) When the referenced child has a person who has parental authority (excluding the head of a child welfare institution who exercises the parental authority pursuant to the provision of Article 47 paragraph (1)); the same shall apply hereinafter) or a guardian of a minor, the measure set forth in paragraph (1) item (iii) or paragraph (2) may not be taken against the intent of said person who has parental authority or said guardian of a minor, except in the case referred to in the preceding paragraph.
  - (5) In the case where a measure set forth in paragraph (1) item (ii) or (iii) or paragraph (2) is cancelled, suspended, or changed to any other measure, the prefectural governor shall hear opinions from the child guidance center's director.
  - (6) In the case where any of the measures set forth in paragraph (1) items (i) to (iii) inclusive (excluding those taken pursuant to the provision of paragraph (3)

- and those taken pursuant to the provision of item (i) or the proviso of item (ii) of Article 28 paragraph (1)) or those set forth in paragraph (2) is taken, or in the case where a measure set forth in paragraph (1) item (ii) or (iii) or in paragraph (2) is cancelled, suspended, or changed to any other measure, pursuant to the provisions of a Cabinet Order, the prefectural governor shall hear opinions from the Prefectural Child Welfare Council.
- (7) With regard to a child having terminated his/her compulsory education for whom a measure prescribed in paragraph (1) item (iii) as specified by a Cabinet Order is cancelled or who is as otherwise specified by a Cabinet Order, the prefectural government may provide consultation and other daily life assistance and lifestyle guidance and support his/her finding employment at the residence where the child is supposed to live communally, or may take a measure to entrust a person resident in any other prefecture to provide said daily life assistance and daily life guidance and employment support at said person's residence, for the purpose of pursuing said child's independence, in accordance with the standards specified by a Cabinet Order.

- Article 27-2 (1) With regard to a child who has received a decision on protective custody set forth in Article 24 paragraph (1) item (ii) of the Juvenile Act pursuant to the provision of Article 24 paragraph (1) or Article 26-4 paragraph (1) the same act, the prefectural government shall take a measure to admit him/her into a children's self-reliance support facility in accordance with said decision (excluding a measure to cause him/her to commute there from the residence where his/her guardian lives) or a measure to admit him/her into a foster home.
- (2) With regard to the application of this Act, a measure prescribed in the preceding paragraph shall be deemed to be a measure to admit the referenced child into a children's self-reliance support facility or a foster home as set forth in paragraph (1) item (iii) of the preceding Article; provided, however, that this shall not apply when the provisions of paragraphs (4) and (6) of the preceding Article (excluding the portions pertaining to the cases where a measure is cancelled, suspended, or changed to any other measure) apply, and when the provision of Article 28 applies.

Article 27-3 When it is necessary to take a compulsory measure that may unintentionally be conducive to restriction on a child's liberty of action or deprivation of his/her liberty, the prefectural governor shall refer that case to the family court, except in the cases permitted pursuant to the provision of Articles 33 and 47.

Article 28 (1) In the case where a guardian abuses his/her child or extremely

neglects the duty of custody of his/her child or in any other case where the guardian's exercise of the custody extremely harms the welfare of said child, when taking a measure set forth in Article 27 paragraph (1) item (iii) is contrary to the intention of a person who has parental authority or a guardian of a minor for the child, the prefectural government may take a measure set forth in any of the following items:

- (i) Take a measure set forth in Article 27 paragraph (1) item (iii) with approval from the family court, when the guardian is a person who has parental authority or a guardian of a minor; and
- (ii) Deliver the child to a person who has parental authority or a guardian of a minor, when the guardian is neither a person who has parental authority nor a guardian of a minor; provided, however, that a measure set forth in Article 27 paragraph (1) item (iii) shall be taken with approval from the family court, when such delivery is found inappropriate for welfare of the child.
- (2) The period for a measure taken pursuant to the provision of item (i) and the proviso of item (ii) of the preceding paragraph shall not exceed 2 years from the date of commencement of said measure; provided, however, that the prefectural government may renew said period with approval from the family court, when it is found that the guardian is likely to abuse the child, extremely neglect the custody of the child, or cause any other harm to the welfare of said child, in light of effects, etc. of the guidance to the guardian pertaining to the referenced measure (which shall mean the guidance set forth in Article 27 paragraph (1) item (ii); the same shall apply hereinafter in this Article) unless the referenced measure is continued.
- (3) With regard to the application of the Act on Inquiry Procedure for Family Affairs, the approval set forth in paragraph (1) and the preceding paragraph (hereinafter referred to as "Approval for Measures") shall be deemed to fall under any of the matters listed in category A in Article 9 paragraph (1) of the same Act.
- (4) When there are any inevitable circumstances in the case where an application for approval pertaining to the renewal pursuant to the provision of paragraph (2) is made, the prefectural government may continue to take the referenced measure until a decision for said application becomes final and binding, even after the period for said measure expires; provided, however, that the same shall be limited to the cases where, if a decision to dismiss said application is made, it is found still necessary to take said measure after considering the result of said decision.
- (5) In the case where an application for approval for measures is made, the family court may request the prefectural government to report on, or state its opinions on, the guidance to the guardian pertaining to said application, or to submit necessary materials concerning the child and his/her guardian

pertaining to said application, by the due date to be specified.

- (6) In the case where a family court carries out the inquiry procedure for approval for measures, when the family court finds reasonable to afford guidance to the referenced guardian in order to coordinate domestic or other environments after termination of the referenced measure, the family court may recommend the prefectural government to afford the guidance to said guardian.

Article 29 When a prefectural governor finds necessary in order to take a measure pursuant to the provision of the preceding Article, the prefectural governor may make a commissioned child welfare volunteer or said prefecture's official engaged in the affairs concerning welfare of children enter the domicile or residence of the referenced child or his/her workplace and make necessary inspections or questioning. In this case, the prefectural governor shall make the commissioned child welfare volunteer or the official carry his/her certification for identification and produce it upon request by any relevant person.

Article 30 (1) If a person (excluding persons to whom children are entrusted pursuant to laws and regulations and persons who merely lodge children) starts living together with a child other than children within the fourth degree of kinship at the person's own home (including the case of a single-person household) with the intention of living together for more than 3 months (or more than 1 month, if the child is an infant) or lives together at the person's own home for consecutive 2 months or more (or 20 days or more, if the child is an infant) by separating the child from the person who has parental authority or the guardian of a minor, that person living together shall notify the prefectural governor through the mayor of municipality within 3 months (or within 1 month, if the child is an infant) from the date of start of such living together; provided, however, that this shall not apply when such living together is discontinued within this notification period.

- (2) When a person who has given notification as prescribed in the preceding paragraph discontinues living together, he/she shall notify the prefectural governor through the mayor of municipality within 1 month from the date of such discontinuation.

- (3) When it is difficult for a guardian to foster his/her child at his/her home due to economic reasons, etc., he/she shall consult with the Welfare Office established by the municipal or prefectural government, the child guidance center, a Child Welfare Officer or a commissioned child welfare volunteer.

Article 30-2 A prefectural governor may provide necessary instructions to, or

request necessary reporting from, foster parents and the heads of child welfare institutions, and the persons prescribed in paragraph (1) of the preceding Article, with regard to the aid for children.

Article 31 (1) With regard to a child admitted into a maternal and child living support facility pursuant to the main clause of Article 23 paragraph (1), the prefecture, etc. may continue to take protective custody of him/her in the maternal and child living support facility until he/she attains the age of 20, when the prefecture, etc. has received an application from his/her guardian and finds it necessary to do so.

(2) The prefectural government may continue the entrustment or continue the measure to domicile the referenced child in the referenced child welfare institution pursuant to the provision of Article 27 paragraph (1) item (ii), until the referenced child attains the age of 20 if he/she is a child entrusted to a foster parent or admitted into a foster home, an institution for mentally retarded children (excluding those established by the national government), an institution for blind or deaf children, a short-term therapeutic institution for emotionally disturbed children, or a children's self-reliance support facility pursuant to the provision of the same item, and until the referenced child becomes able to adapt him/herself to social life if he/she is a child admitted into an institution for mentally retarded children established by the national government.

(3) The prefectural government may continue the measure to domicile the referenced child in the referenced child welfare institution or continue the entrustment pursuant to the provision of Article 27 paragraph (2) or change either of these measures to the other one, until the referenced child attains the age of 20 if he/she is a child admitted into an institution for orthopedically impaired children pursuant to the provision of Article 27 paragraph (1) item (iii) or a child set forth in Article 43-3 admitted into a Designated Medical Institution based on the entrustment pursuant to the provision of paragraph (2) of the same Article, and until the referenced child becomes able to adapt him/herself to social life if he/she is a child admitted into an institution for severely-retarded children pursuant to the provision of Article 27 paragraph (1) item (iii) or a child set forth in Article 43-4 admitted into a Designated Medical Institution based on the entrustment pursuant to the provision of paragraph (2) of the same Article.

(4) With regard to a child for whom a measure set forth in Article 27 paragraph (7) is taken, the prefectural government may continue to provide assistance to him/her or continue the entrustment prescribed in the same paragraph, until he/she attains the age of 20.

(5) With regard to the application of this Act, the aid or the measure provided in

each of the preceding paragraphs shall be deemed to be the Maternal and Child Aid Practice or a measure provided in paragraph (1) item (iii), paragraph (2) or Article 27 paragraph (7).

(6) In the case referred to in paragraph (2) or (3), the prefectural governor shall hear opinions from the child guidance center's director.

Article 32 (1) A prefectural governor may delegate the authority to take measures set forth in Article 27 paragraph (1), (2) or (7), in whole or in part, to the child guidance center's director.

(2) A prefectural governor or a mayor of municipality may delegate the authority to take measures set forth in Article 21-6 or the authority of the Midwifery Care Practice or the Maternal and Child Aid Practice, or the authority of the aid provided in the proviso of Article 23 paragraph (1), and the authority pursuant to the provisions of Articles 24-2 to 24-7 inclusive and Article 24-20, in whole or in part, to the head of a Welfare Office under the management of the prefectural governor or mayor of municipality.

(3) A mayor of municipality may delegate the authority of the Daycare Practice and the authority of the aid provided in the proviso of Article 24 paragraph (1), in whole or in part, to the head of the Welfare Office under the management of the municipal government or to the board of education set up in said municipality.

Article 33 (1) A child guidance center's director may, when he/she finds necessary, take temporary custody of a child or entrust an appropriate person to do so until a measure set forth in Article 26 paragraph (1) is taken.

(2) A prefectural governor may, when he/she finds necessary, cause the child guidance center's director to take temporary custody of a child or cause said director to entrust an appropriate person to take such temporary custody until a measure set forth in Article 27 paragraph (1) or (2).

(3) The period for temporary custody pursuant to the preceding two paragraphs shall not exceed 2 months from the date of commencement of said temporary custody.

(4) Notwithstanding the provision of the preceding paragraph, a child guidance center's director or a prefectural governor may, when he/she finds necessary, continue the temporary custody pursuant to the provision of paragraph (1) or (2).

Article 33-2 (1) A child guidance center's director may retain the things possessed by a child under temporary custody, if his/her own possessions during such temporary custody is likely to be harmful to welfare of the child.

(2) If the things retained pursuant to the provision of the preceding paragraph

are likely to decay or get lost or it is extremely difficult to retain them, a child guidance center's director may sell those things and retain their proceeds.

(3) In the case where it is obvious that a person other than the referenced child has the right to demand restitution with regard to the things retained pursuant to the provision of the preceding two paragraphs, the child guidance center's director shall return those things to such a right holder.

(4) When the child guidance center's director is unable to know the person who has the right to demand restitution prescribed in the preceding paragraph or his/her address, the child guidance center's director shall give public notice to request the right holder to come forward within 6 months.

(5) In the case where nobody comes forward as prescribed in the preceding paragraph within the period set forth in the same paragraph, the referenced things shall belong to the prefectural government establishing the referenced child guidance center.

(6) When a temporary custody is cancelled, the child guidance center's director shall return the things retained by him/her to the referenced child, excluding those returned pursuant to the provision of paragraph (3). In this case, the things to be returned may be delivered to the guardian of the child, when the child guidance center's director finds inappropriate for welfare of the child to deliver them to said child.

(7) Expenses spent for retaining the things pursuant to the provision of paragraph (1), sale thereof pursuant to the provision of paragraph (2) and public notice pursuant to the provision of paragraph (4) shall be borne by the person receiving them, if any.

Article 33-3 (1) In the case where a child under temporary custody escapes or dies, when there are any articles left behind, the child guidance center's director shall retain and deliver them to said child's guardian or relative or his/her heir, excluding the things to be returned to their right holders pursuant to the provision of paragraph (3) of the preceding Article.

(2) The provisions of paragraphs (2), (4), (5) and (7) of the preceding Article shall apply *mutatis mutandis* to the case referred to in the preceding paragraph.

Article 33-4 In the case of cancellation of a measure or Daycare Practice, etc. listed in any of the following items, the prefectural governor, the mayor of municipality, the Welfare Office's director or the child guidance center's director shall, in advance, explain the reason for such cancellation to the person prescribed in the referenced item and hear his/her opinion; provided, however, that this shall not apply to the case where there is a request for such cancellation from the person prescribed in said items and other cases specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(i) Measures set forth in Article 21-6, Article 25-7 paragraph (1) item (ii), Article 25-8 item (ii), Article 26 paragraph (1) item (ii), and paragraph (1) item (ii) and Article 27 paragraph (7): The guardian of the child pertaining to said measure;

(ii) The Midwifery Care Practice: The expectant and nursing mother pertaining to the referenced Midwifery Care Practice;

(iii) The Maternal and Child Aid Practice and the Daycare Practice: The guardian of the child pertaining to the referenced Maternal and Child Aid Practice or Daycare Practice; or

(iv) Measures set forth in paragraph (1) item (iii) and Article 27 paragraph (2): The person who has parental authority over, or the guardian of a minor of, the child pertaining to the referenced measure.

Article 33-5 The provisions of Chapter 3 of the Administrative Procedure Act (excluding Articles 12 and 14) shall not apply when imposing the cancellation of a measure set forth in Article 21-6, Article 25-7 paragraph (1) item (ii), Article 25-8 item (ii), Article 26 paragraph (1) item (ii) or Article 27 paragraph (1) item (ii) or (iii), or Article 27 paragraph (2) or (7), or canceling the daycare.

Article 33-6 When the person who has parental authority over a child or over a person under 20 years of age other than children (referred to as "Child, etc." in the following Article and Article 33-8) abuses his/her parental authority or misbehaves extremely, a request for adjudication of forfeiture of parental authority pursuant to the provision of Article 834 of the Civil Code (Act No. 89 of 1896) may be made by the child guidance center's director, in addition to the persons prescribed in the same Article.

Article 33-7 (1) When it is necessary for welfare of a Child, etc. having neither a person who has parental authority nor a guardian of a minor, the child guidance center's director shall request the family court to appoint a guardian of a minor.

(2) A child guidance center's director shall exercise parental authority over a child admitted there and having neither a person who has parental authority nor a guardian of a minor until the child comes to have either a person who has parental authority or a guardian of a minor; provided, however, that permission from the prefectural governor shall be obtained pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare when accepting adoption pursuant to the provision of Article 797 of the Civil Code.

Article 33-8 When the guardian of a minor for a Child, etc. causes a wrongful act, an extreme misbehavior or any other season inadequate for guardianship, a

request for dismissal of the guardian of a minor pursuant to the provision of Article 846 of the Civil Code may be made by the child guidance center's director, in addition to the persons prescribed in the same Article.

### **Section 6 Miscellaneous Provisions**

Article 34 (1) No person shall commit an act listed in any of the following items:

- (i) Place a child with physical disabilities or morphological abnormalities on public show;
- (ii) Cause a child to act as a beggar, or beg by exploiting a child;
- (iii) Cause a child under 15 years of age to perform acrobatics or stunt horse riding for the purpose of public entertainment;
- (iv) Cause a child under 15 years of age to engage in such money earning acts as singing, dancing, tricks and other performances from house to house or on the road, or in other equivalent places;
- (iv)-2 Cause a child to engage in such money earning acts as sale, distribution, exhibition or collection of goods or provision of services, from 10:00 p.m. to 3:00 a.m., from house to house or on the road, or in other equivalent places;
- (iv)-3 Cause a child under 15 years of age who engages in such money earning activities as sale, distribution, exhibition or collection of goods or provision of services from house to house or on the road, or in other equivalent places to enter any place where any business falling under those listed below is operated, in order for the child to conduct his/her work there; the applicable businesses in this regard are businesses for entertaining and catering, etc. set forth in Article 2 paragraph (4) of the Act on Control and Improvement of Amusement Businesses, etc. (Act No. 122 of 1948), store-based sex-related amusement special business set forth in paragraph (6) of the same Article, and store-based telephonic dating agency business set forth in paragraph (9) of the same Article is operated;
- (v) Cause a child under 15 years of age to engage in such money earning acts as entertaining at an alcoholic party;
- (vi) Cause a child to commit an obscene act;
- (vii) Deliver a child knowingly to a person who is likely to commit any of the acts listed in the preceding items or a person who is likely to commit any other act violating laws and regulations concerning criminal punishment toward a child, or deliver a child to other person with the knowledge of a risk of further delivery of the child to a person who is likely to commit any of the acts as listed above;
- (viii) Arrange taking care of a child for the purpose of profit, if it is arranged by a person other than legitimate employment agencies for adults and children; or

(ix) Keep a child under one's control, with the intent of causing the child to commit an act making an impact that is mentally and physically harmful to the child.

(2) A foster home, an institution for mentally retarded children, a daycare institution for mentally retarded children, an institution for blind or deaf children, an institution for orthopedically impaired children or a children's self-reliance support facility shall not exploit children admitted there against the purposes provided respectively in Articles 41 to 43-3 inclusive and Article 44.

Article 34-2 In addition to what is provided for in this Act, necessary matters concerning guarantee of welfare shall be prescribed by a Cabinet Order.

### **Chapter III Services and Facilities**

Article 34-3 (1) A person other than the national and prefectural governments may engage in children's self-reliant living assistance services by notifying the prefectural governor, in advance, of the matters specified by an Ordinance of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(2) When any of the matters in the notification pursuant to the provision of the preceding paragraph is changed, a person other than the national and prefectural governments shall notify the prefectural governor to that effect within 1 month from the date of the change.

(3) When a person other than the national and prefectural governments intends to abolish or suspend the children's self-reliant living assistance services, he/she shall, in advance, notify the prefectural governor of the matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.

Article 34-4 (1) A prefectural governor may, when he/she finds necessary for the welfare of children, request a person engaged in children's self-reliant living assistance services to make reporting, or make said prefecture's official ask relevant persons questions or enter any office or facility of said person and inspect books and documents and other objects.

(2) The provisions of Article 18-16 paragraphs (2) and (3) shall apply mutatis mutandis to the case referred to in the preceding paragraph.

Article 34-5 When a person engaged in children's self-reliant living assistance services violates this Act or any order pursuant to this Act or any disposition imposed pursuant thereto, or pursues profit unjustly with regard to such services or commits an unjust act with regard to the treatment of any child

pertaining to such services, the prefectural governor may order the person to restrict or suspend said services.

Article 34-6 When a person engaged in Consultation Support Services or children's self-reliant living assistance services is requested to accept entrustment pursuant to the provision of Article 26 paragraph (1) item (ii) or paragraph (1) item (ii) or Article 27 paragraph (7), he/she shall not refuse it without justifiable ground.

Article 34-7 A municipal government, a social welfare corporation or other person may provide after-school child sound upbringing services pursuant to the provisions of the Social Welfare Act.

Article 34-8 A municipal government may provide short-term Child Care Support Services pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

Article 35 (1) The national government shall establish a child welfare institution (excluding midwifery homes, maternal and child living support facilities and nursery centers) pursuant to the provisions of a Cabinet Order.

(2) A prefectural government shall establish a child welfare institution pursuant to the provisions of a Cabinet Order.

(3) A municipal government may, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare, establish a child welfare institution by notifying the prefectural governor, in advance, of the matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(4) A person other than the national, prefectural and municipal governments may establish a child welfare institution, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare, with the prefectural governor's approval.

(5) A child welfare institution may have a personnel training facility as its auxiliary facility.

(6) When a municipal government intends to abolish or suspend a child welfare institution, the municipal government shall notify the prefectural governor of the matters specified by an Ordinance of the Ministry of Health, Labour and Welfare not less than 1 month prior to the date of such abolition or suspension.

(7) When a person other than the national, prefectural and municipal governments intends to abolish or suspend the child welfare institution, approval from the prefectural governor shall be obtained pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

Article 36 A midwifery home shall be a facility intended for admitting expectant and nursing mothers who are unable to receive in-hospital midwifery care due to economic reasons, regardless of the necessity in terms of healthcare, and providing midwifery care to them.

Article 37 An infant home shall be a facility intended for admitting and fostering infants (including toddlers in the case where it is particularly necessary for ensuring a steady living environment or due to other reasons in terms of healthcare), as well as intended for providing consultation and other assistance to those who have left there.

Article 38 A maternal and child living support facility shall be a facility intended for admitting and protecting females without a spouse or females in equivalent circumstances and the children whose custody must be taken by those females and supporting their life to encourage their self-reliance, as well as intended for providing consultation and other assistance to those who have left there.

Article 39 (1) A nursery center shall be a facility intended for providing daycare to infants or toddlers lacking daycare based on entrustment from their guardians on a daily basis.

(2) Notwithstanding the provision of the preceding paragraph, a nursery center may, when particularly needed, provide daycare to other children lacking daycare based on entrustment from their guardians on a daily basis.

Article 40 A children's recreational facility shall be a facility, such as a child play space and a child center, intended for providing children with sound opportunities for play in order to promote their health or enrich their sentiments.

Article 41 A foster home shall be a facility intended for admitting, and providing foster care with, children without a guardian (excluding infants; provided, however, that infants shall be also included in the case where it is particularly necessary for ensuring a steady living environment or due to other reasons; the same shall apply hereinafter in this Article), children abused, and other children in need of foster care in terms of their environment, as well as intended for providing consultation and other assistance for self-reliance to those who have left there.

Article 42 An institution for mentally retarded children shall be a facility intended for admitting children with mental retardation and providing aid or

therapy to them, and having them acquire the knowledge and skills necessary for an independent and self-supporting life.

Article 43 A daycare institution for mentally retarded children shall be a facility intended for having children with mental retardation commute there from their guardians on a daily basis and protecting them, and having them acquire the knowledge and skills necessary for an independent and self-supporting life.

Article 43-2 An institution for blind or deaf children shall be a facility intended for admitting and protecting blind children (including severely amblyopic children) or deaf children (including severely cloth-eared children), and providing guidance or assistance necessary for independent and self-supporting life to them.

Article 43-3 An institution for orthopedically impaired children shall be a facility intended for providing therapy to children with Limb/Trunk Dysfunction, and having them acquire the knowledge and skills necessary for independent and self-supporting life.

Article 43-4 An institution for severely-retarded children shall be a facility intended for admitting and protecting children with both severe mental retardation and severe Limb/Trunk Dysfunction, and providing therapy and daily life guidance to them.

Article 43-5 A short-term therapeutic institution for emotionally disturbed children shall be a facility intended for admitting children with mild emotional disturbance for a short term or having them commute there from their guardians in order to cure their emotional disturbance, as well as intended for providing consultation and other assistance to those who have left there.

Article 44 A children's self-reliance support facility shall be a facility intended for admitting children who have committed, or are likely to commit, delinquencies and other children in need of daily life guidance, etc. due to their family environment or other environmental reasons or having those children commute there from their guardians, and providing necessary guidance to those children in accordance with their individual circumstances and supporting their self-reliance, as well as intended for providing consultation and other assistance to those who have left there.

Article 44-2 (1) A child and family support center shall be a facility intended for providing consultation to children, fatherless families and other families, local

residents and others and giving necessary advice to them with regard to a variety of problems concerning welfare of children in the region and providing guidance pursuant to the provisions of Article 26 paragraph (1) item (ii) and Article 27 paragraph (1) item (ii), as well as intended for comprehensively carrying out liaison and coordination with child guidance centers, child welfare institutions, etc. and affording other assistance specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(2) A child and family support center shall be established in a child welfare institution specified by an Ordinance of the Ministry of Health, Labour and Welfare as its auxiliary facility.

(3) An employee of a child and family support center shall, when performing his/her duties, not divulge any secret concerning personal circumstances.

Article 45 (1) The Minister of Health, Labor and Welfare shall specify the minimum standards on facilities and operation of child welfare institution and on child care by foster parents. In this case, those minimum standards shall be the ones that can ensure the living level necessary for physical, mental and social development of children.

(2) The establisher of a child welfare institution and foster parent shall comply with the minimum standards set forth in the preceding paragraph.

(3) The establisher of a child welfare institution shall endeavor to improve the level of its facilities and operation.

Article 46 (1) In order to maintain the minimum standards set forth in the preceding Article, a prefectural governor may request the establishers of child welfare institutions, the heads of child welfare institution and foster parents to submit necessary reports and make said prefecture's official engaged in the affairs concerning welfare of children ask relevant persons questions or enter any of their facilities and inspect books and documents and other objects.

(2) The provisions of Article 18-16 paragraphs (2) and (3) shall apply mutatis mutandis to the case referred to in the preceding paragraph.

(3) When any facilities or operation of a child welfare institution fails to attain the minimum standards set forth in the preceding Article, the prefectural governor may recommend its establisher to make necessary improvement. When the establisher of the institution fails to follow this recommendation and the prefectural governor finds such failure to be harmful to child welfare, the prefectural governor may order the establisher to make necessary improvement.

(4) When any facilities or operation of a child welfare institution fails to attain the minimum standards set forth in the preceding Article and the prefectural governor finds such failure to be extremely harmful to child welfare, the prefectural governor may order the establisher to suspend his/her services

after hearing opinions from the Prefectural Child Welfare Council.

Article 46-2 When the head of a child welfare institution is requested to accept entrustment for any measure or the Daycare Practice pursuant to this Act from the prefectural governor or the mayor of municipality (or from the board of education set up in said municipality in the case where the authority of the Daycare Practice and the authority of the aid provided in the proviso of Article 24 paragraph (1) are delegated to said board of education pursuant to the provision of Article 32 paragraph (3)), the head of said institution shall not refuse such entrustment without justifiable ground.

Article 47 (1) The head of a child welfare institution shall exercise parental authority over a child admitted there and having neither a person who has parental authority nor a guardian of a minor until the child comes to have either a person who has parental authority or a guardian of a minor; provided, however, that permission from the prefectural governor shall be obtained pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare when accepting adoption pursuant to the provision of Article 797 of the Civil Code.

(2) Even in the case where a child admitted in a child welfare institution or entrusted to a foster parent has either a person who has parental authority or a guardian of a minor, the head of the child welfare institution or the foster parent may take measures necessary for welfare of the child with regard to his/her custody, education and disciplinary action.

Article 48 A head of a foster home, an institution for mentally retarded children, an institution for blind or deaf children, an institution for orthopedically impaired children, a short-term therapeutic institution for emotionally disturbed children and a children's self-reliance support facility and a foster parent shall send to school the children admitted in those institutions or entrusted to those foster parents as if they were the guardians of such children as provided in the School Education Act.

Article 48-2 The head of an infant home, a maternal and child living support facility, a foster home, a short-term therapeutic institution for emotionally disturbed children or a children's self-reliance support facility shall endeavor to provide consultation and advice concerning foster care of children to residents in the region where said institution is located, to the extent not detrimental to the protective care services for children performed by said institution.

Article 48-3 (1) A nursery center shall provide information concerning its daycare to residents in the region where said nursery center is mainly utilized, and shall endeavor to provide consultation and advice concerning daycare of infants, toddlers, etc., to the extent not detrimental to the daycare services performed by said nursery center.

(2) A nursery teacher working in a nursery center shall endeavor to acquire, maintain and improve his/her knowledge and skills necessary to provide consultation and afford advice concerning daycare of infants, toddlers, etc.

Article 49 In addition to what is provided for in this Act, matters concerning children's self-reliant living assistance services and after-school child sound upbringing services and other necessary matters concerning a child welfare institution such as their employees shall be prescribed by an Order.

#### **Chapter IV Expenses**

Article 49-2 With regard to the persons admitted by the prefectural governments into a child welfare institution established by the national government based on the measures provided in Article 27 paragraph (1) item (iii), the national treasury shall pay expenses spent for those persons after such admission.

Article 50 Expenses listed in any of the following items shall be paid by a prefectural government:

- (i) Expenses spent for the Prefectural Child Welfare Council;
- (ii) Expenses spent for Child Welfare Officers and commissioned child welfare volunteers;
- (iii) Expenses spent for the child guidance center (excluding expenses set forth in item (ix));
- (iv) Deleted;
- (v) Expenses spent for measures set forth in Article 20;
- (v)-2 Expenses spent for the implementation of the services set forth in Article 21-5;
- (vi) Expenses spent for the Midwifery Care Practice or the Maternal and Child Aid Practice afforded by municipal governments in the midwifery homes or maternal and child living support facilities established by the prefectural government (which shall mean expenses spent to maintain the minimum standards set forth in Article 45 with regard to the Midwifery Care Practice or the Maternal and Child Aid Practice; the same shall apply in item (vi)-3 of this Act and item (ii) of the following Article);
- (vi)-2 Daycare expenses spent for the Daycare Practice in the nursery centers established by the prefectural government (which shall mean expenses spent

to maintain the minimum standards set forth in Article 45 with regard to the Daycare Practice; the same shall apply in items (iii) and (iv) of the following Article and Article 56 paragraph (3)):

- (vi)-3 Expenses spent for the Midwifery Care Practice or the Maternal and Child Aid Practice afforded by the prefectural government;
- (vi)-4 Expenses spent for payments of Institutional Benefits for Disabled Children, Large-amount Institutional Benefits for Disabled Children or Benefits for Meal Expenses, etc. for Specified Institutionalized Disabled Children, or Institutional Medical Expenses for Disabled Children (hereinafter referred to as "Institutional Benefits for Disabled Children, etc."):;
- (vii) Expenses spent for admission or entrustment and expenses spent to maintain the minimum standards set forth in Article 45 with regard to the aid after the admission or for child care after the entrustment (excluding expenses spent, after their admission, for the children admitted into infant homes, foster homes, institutions for mentally retarded children, daycare institutions for mentally retarded children, institutions for blind or deaf children, institutions for orthopedically impaired children, institutions for severely-retarded children, short-term therapeutic institutions for emotionally disturbed children or children's self-reliance support facilities established by the national government), in the case where the prefectural government takes measures provided in Article 27 paragraph (1) item (iii);
- (vii)-2 Expenses spent for entrustment and therapy, etc. after the entrustment in the case where the prefectural government takes measures provided in Article 27 paragraph (2);
- (viii) Expenses spent for temporary custody; and
- (ix) Expenses spent for the facilities of the child guidance center and for the facilities of child welfare institutions established by the prefectural government and their personnel training facilities.

Article 51 Expenses listed in any of the following items shall be paid by a municipal government:

- (i) Expenses spent for measures set forth in Article 21-6;
- (ii) Expenses spent for the Midwifery Care Practice or the Maternal and Child Aid Practice afforded by the municipal government (excluding expenses pertaining to the midwifery homes or the maternal and child living support facilities established by the prefectural government);
- (iii) Daycare expenses spent for the Daycare Practice at nursery centers established by the municipal government;
- (iv) Daycare expenses spent for the Daycare Practice at nursery centers established by persons other than the prefectural government and the

municipal government;

- (v) Expenses spent for the implementation of short-term Child Care Support Services;
- (vi) Expenses spent for the facilities of child welfare institutions established by the municipal government and their personnel training facilities; and
- (vii) Expenses spent for the Municipal Child Welfare Council.

Article 52 The national treasury shall, pursuant to the provisions of a Cabinet Order, bear a half of such expenses set forth in Article 50 item (ix) and item (vi) of the preceding Article as relating to the facilities of the institutions for mentally retarded children, etc. (or a half to one-third thereof, if they are relating to the facilities of daycare institutions for mentally retarded children, institutions for blind or deaf children and institutions for orthopedically impaired children).

Article 53 In addition to what is provided in the preceding Article, the national treasury shall, pursuant to the provisions of a Cabinet Order, bear a half of the expenses paid by local governments as provided in Article 50 (excluding items (i) to (iii) inclusive, (v)-2 and (vi)-2) and Article 51 (excluding items (iii), (v) and (vii)).

Article 53-2 The national treasury may, pursuant to the provisions of a Cabinet Order, bear not more than a half of the expenses set forth in Article 50 item (v)-2.

Article 54 Deleted

Article 55 The prefectural government shall, pursuant to the provisions of a Cabinet Order, bear a quarter of the expenses set forth in Article 51 items (i), (ii) and (iv).

Article 56 (1) In the case where expenses provided in Article 49-2 are paid by the national treasury, the Minister of Health, Labor and Welfare may collect the full amount of those expenses or part thereof from the referenced person or his/her supporter under duty (which shall mean a supporter under duty provided in the Civil Code; the same shall apply hereinafter) in accordance with the financial capacity recognized by the prefectural governor.

(2) If a prefectural government has paid expenses provided in Article 50 items (v), (vi), (vi)-3, (vii) and (vii)-2, or if a municipal government has paid expenses provided in Article 51 items (i) and (ii), the head of such a prefecture or municipality may collect the full amount of those expenses or part thereof from

the referenced person or his/her supporter under duty in accordance with his/her financial capacity.

- (3) If a prefectural government has paid daycare expenses provided in Article 50 item (vi)-2, or if a municipal government has paid daycare expenses provided in Article 51 item (iii) or (iv), the head of such a prefectural or municipal government may collect said daycare expenses from the referenced person or his/her supporter under duty in the amount to be provided in accordance with the age, etc. of the child pertaining to such Daycare Practice after considering the impact on his/her household finances that will be caused by such collection.
- (4) The affairs for collections and payments of the amounts prescribed in the preceding paragraph may be entrusted to a private person pursuant to the provisions of a Cabinet Order only when it is found that such entrustment will contribute to the ensuring of income and promoting convenience and benefits to the concerned persons or their supporter under duty.
- (5) In the case where medical care benefits prescribed in Article 21 -5 are provided, the governor of the prefecture which is required to pay the expenses spent therefor may order the referenced person or his/her supporter under duty to pay the full amount of those expenses or part thereof, in accordance with his/her financial capacity, to the medical institution providing the medical care benefits prescribed in the same Article (referred to as a "Medical Institution" in the following paragraph).
- (6) When the referenced person or his/her supporter under duty has paid the amount ordered to be paid pursuant to the provision of the preceding paragraph, in full or in part, to the Medical Institution, said Medical Institution's right of claim pertaining to the referenced expenses against the prefectural government shall be extinguished to the extent paid as aforesaid.
- (7) In the case where a measure provided in paragraph (5) is taken, when the referenced person or his/her supporter under duty fails to pay the amount ordered to be paid pursuant thereto, in full or in part, and thus the prefectural government pays the amount of such unpaid expenses, the prefectural governor may collect such unpaid amount from the referenced person or his/her supporter under duty.
- (8) When it is found necessary for the recognition of the financial capacity pursuant to the provision of paragraph (1), for the collection of expenses pursuant to the provision of paragraph (2) or (3), or for the order for payment of expenses pursuant to the provision of paragraph (5), the prefectural governor or the mayor of municipality may request the concerned public agency to inspect necessary documents or provide necessary materials with regard to the state of income of the referenced person or his/her supporter under duty.
- (9) The collection of expenses pursuant to the provisions of paragraphs (1) to (3) inclusive or paragraph (7) may be commissioned to the prefectural or municipal

government where the place of residence or the location of property of the referenced person or his/her supporter under duty exists.

(10) When the amount of expenses collected pursuant to the provisions of paragraphs (1) to (3) inclusive or paragraph (7) is not paid by the designated due date, a disposition may be implemented by applying the rules for collection of national tax delinquency, with regard to the expenses provided in paragraph (1), and by applying the rules for collection of local tax delinquency, with regard to the expenses provided in paragraph (2), (3) or (7). In this case, the order of the statutory lien on the amount collected shall come after national taxes and local taxes.

Article 56-2 (1) In the case falling under any of the following items, a prefectural government and a municipal government may subsidize not more than three-quarters (3/4) of the amount of expenses spent for new construction (limited to new construction of child welfare institutions set up by social welfare corporations formed pursuant to the provision of Article 31 paragraph (1) of the Social Welfare Act), repair, renovation, expansion or improvement (hereinafter referred to as "Construction, etc.") for child welfare institutions set up by persons other than the national, prefectural and municipal governments pursuant to the provision of Article 35 paragraph (4); provided, however, that the total amount of the amounts subsidized by the prefectural and municipal governments for any one child welfare institution shall not exceed three-quarters (3/4) of the expenses spent for Construction, etc. of said child welfare institution:

(i) When the child welfare institution is established by a social welfare corporation established pursuant to the provision of Article 31 paragraph (1) of the Social Welfare Act, the Japanese Red Cross Society or a non-profit incorporated association or non-profit incorporated foundation; or

(ii) When no child welfare institution of the same kind established by the national, prefectural or municipal government exists or the existing child welfare institutions, if any, is/are insufficient in the region where the referenced child welfare institution will be mainly utilized, regardless of the necessity of a child welfare institution of the same kind in terms of the state of distribution of children, their guardians or expectant and nursing mothers in need of measures such as payments of Institutional Benefits for Disabled Children, admission into those institutions, and the Daycare Practice, etc. pursuant to this Act.

(2) When subsidies are disbursed for a child welfare institution pursuant to the provision of the preceding paragraph, the Minister of Health, Labor and Welfare, the prefectural governor and the mayor of municipality shall have the authorities listed in the following items over said child welfare institution, in

addition to what is provided in Articles 46 and 58, in order to ensure that the purpose of the subsidies will be effectively achieved:

- (i) Instruct necessary change in the budget of the child welfare institution when such budget is found inappropriate to achieve the effects of the subsidies; and
- (ii) Instruct dismissal of an employee of the child welfare institution when he/she has violated this Act or any order pursuant to this Act or any disposition imposed pursuant thereto
- (3) The national treasury may subsidize not more than two-thirds (2/3) of the amount subsidized by the prefectural government pursuant to the provision of paragraph (1) for any one of the institution for mentally retarded children, etc.

Article 56-3 In any of the cases listed in the following items, the prefectural and municipal governments may order the establisher of the child welfare institution to which the subsidies have been granted to refund the full amount of the subsidies already granted or part thereof:

- (i) When the conditions for the grant of the subsidies are violated;
- (ii) When the subsidies are granted by fraudulent or other wrongful means;
- (iii) When an act in pursuit of profit is committed with regard to the operation of the child welfare institution; or
- (iv) When the child welfare institution violates this Act or any order pursuant to this Act or any disposition imposed pursuant thereto.

Article 56-4 The national treasury may, within the scope of the budget, subsidize a part of such expenses spent for commissioned child welfare volunteers provided in Article 50 item (ii) as relating to the matters specified by the Minister of Health, Labor and Welfare.

Article 56-5 The provisions of Article 58 paragraphs (2) to (4) inclusive of the Social Welfare Act shall apply mutatis mutandis to a child welfare institution to which any general property has been transferred or any loan has been provided pursuant to the provision of Article 2 paragraph (2) item (ii) of the Act on Special Measures concerning National Property (Act No. 219 of 1952) or the provisions of Article 3 paragraph (1) item (iv) of the same Act and paragraph (2) of the same Article.

#### **Chapter V Miscellaneous Provisions**

Article 56-6 (1) For the purpose of promoting welfare of children, local governments shall facilitate mutual liaison and coordination in order to ensure adequate implementation of the payments of Nursing Care Benefits, etc.,

Institutional Benefits for Disabled Children, Large-amount Institutional Benefits for Disabled Children or Benefits for Meal Expenses, etc. for Specified Institutionalized Disabled Children, the measures pursuant to the provision of Article 21-6 or Article 27 paragraph (1) or (2) and the Daycare Practice, etc., and other kinds of guarantee of welfare.

- (2) When performing their services or operating their institutions, the persons engaged in children's self-reliant living assistance services or after-school child sound upbringing services and the establishers of child welfare institutions shall facilitate their mutual coordination and shall endeavor to provide consultation to children and their families and afford other positive support in line with the condition of each region.

Article 56-7 (1) By positively leasing or lending public property (which shall mean the public property provided in Article 238 paragraph (1) of the Local Autonomy Act) or taking other necessary measures, a municipality facing an increasing demand for the Daycare Practice shall promote establishment or operation of nursery centers by utilizing the abilities of social welfare corporations and other various business operators and shall thereby increase supply pertaining to the Daycare Practice efficiently and systematically.

- (2) The national and prefectural governments shall provide necessary support with regard to measures set forth in the preceding paragraph taken by the municipal governments.

Article 56-8 (1) A municipality facing an increasing demand for the Daycare Practice (limited to the municipalities falling under the requirements specified by an Ordinance of the Ministry of Health, Labour and Welfare; referred to as a "Specified Municipality" hereinafter in this Article) shall formulate a plan to ensure the system for supplying the services for the Daycare Practice and the Child Care Support Services specified by an ordinance of the competent ministry and other services concerning daycare of children that are found necessary by the Specified Municipality.

- (2) When a Specified Municipality intends to formulate or revise a plan set forth in the preceding paragraph (hereinafter referred to as a "Municipal Daycare Plan"), the municipality shall take necessary measures in advance to reflect the opinions of the residents.
- (3) When a Specified Municipality formulates or revises a Municipal Daycare Plan, it shall be publicized and submitted to the prefectural governor without delay.

- (4) A Specified Municipality shall publicize the state of the implementation of the services stated in the Municipal Daycare Plan at least once a year.
- (5) When a Specified Municipality finds particularly necessary for the

preparation of a Municipal Daycare Plan and the implementation of the services stated therein, the Specified Municipality may request the establishments of nursery centers, the persons engaged in Child Care Support Services and other relevant persons to provide cooperation necessary to carry out investigations.

Article 56-9 (1) In order to contribute to achieving the Municipal Daycare Plans and ensuring the system for supplying the Daycare Practice and the Child Care Support Services specified by an ordinance of the competent ministry and such other services concerning daycare of children that the specified prefecture (as defined below) finds necessary in the municipalities other than specified municipalities, the prefecture facing an increasing demand for the Daycare Practice (limited to the prefectures falling under the requirements specified by an Ordinance of the Ministry of Health, Labour and Welfare; referred to as a "Specified Prefecture" hereinafter in this Article) shall formulate a plan to ensure said supply system from a cross-regional standpoint across the respective municipalities.

(2) When a Specified Prefecture intends to formulate or revise a plan set forth in the preceding paragraph (hereinafter referred to as "Prefectural Daycare Plan"), the prefecture shall take necessary measures in advance to reflect the opinions of the residents.

(3) When a Specified Prefecture formulates or revises a Prefectural Daycare Plan, the prefecture shall be publicized and submitted to the Minister of Health, Labour and Welfare without delay.

(4) When a Prefectural Daycare Plan is submitted pursuant to the provision of the preceding paragraph, the Minister of Health, Labour and Welfare shall, without delay, notify other minister having jurisdiction over Child Care Support Services specified by an ordinance of the competent ministry set forth in paragraph (1).

(5) A Specified Prefecture shall publicize the state of the implementation of the services stated in the Prefectural Daycare Plan at least once a year.

(6) When a Specified Prefecture finds particularly necessary for the preparation of a Prefectural Daycare Plan and the implementation of the services stated therein, the Specified Prefecture may request the mayors of municipality, the establishments of nursery centers, the persons engaged in Child Care Support Services and other relevant persons to provide cooperation necessary to carry out investigations.

Article 56-10 (1) A prefectural government shall endeavor to provide the municipal governments with necessary advice and other assistance with regard to technical matters concerning the preparation of a Municipal Daycare Plan.

(2) The competent minister shall endeavor to provide the prefectural governments with necessary advice and other assistance with regard to the method of the preparation of a Prefectural Daycare Plan and other technical matters of importance concerning the preparation of Prefectural Daycare Plans.

Article 56-11 The national and local governments shall endeavor to provide the persons engaged in the services that contribute to achieving a Municipal Daycare Plan or a Prefectural Daycare Plan with assistance necessary for smooth implementation of said services.

Article 57 A prefectural, municipal or other government may not impose any tax or charge on a building and land listed in any of the following items; provided, however, that this shall not apply to those that are made available for use with charge:

- (i) A building mainly utilized for a child welfare institution; or
- (ii) The site for a building listed in the preceding item or any other land mainly utilized for a child welfare institution.

Article 57-2 (1) When there is a person who receives Institutional Benefits for Disabled Children, etc. by a deception or other wrongful means, the prefectural government may collect the amount equivalent to such Institutional Benefits for Disabled Children, etc., in full or in part, from that person.

(2) When any of the designated retarded child institutions, etc. receives Institutional Benefits for Disabled Children or Benefits for Meal Expenses, etc. for Specified Institutionalized Disabled Children or Institutional Medical Expenses for Disabled Children by a deception or other wrongful act, the prefectural government may cause said Designated Institution for Mentally Retarded Children, etc. to refund the amount paid and additionally pay the amount obtained by multiplying the amount to be refunded by forty-hundredths (40/100).

(3) The amounts collected pursuant to the provisions of the preceding two paragraphs shall be revenues specified by the act provided in Article 231-3 paragraph (iii) of the Local Autonomy Act.

Article 57-3 (1) When a prefectural government finds necessary for payments of Institutional Benefits for Disabled Children, etc., the prefectural government may order reporting or submission or presentation of documents and other objects to the guardian of a disabled child, or the householder or any other member of the family to which a disabled child belongs, or a person who used to be said guardian, householder or family member, or may make said prefecture's official ask them questions.

(2) The provision of Article 24-15 paragraph (2) shall apply mutatis mutandis to the questioning pursuant to the provision of the preceding paragraph, and the provision of paragraph (3) of the same Article shall apply mutatis mutandis to the authority pursuant to the provision of the preceding paragraph.

Article 57-4 When a prefectural government finds necessary for payments of Institutional Benefits for Disabled Children, etc., the prefectural government may request the concerned public agency to inspect necessary documents or provide necessary materials with regard to the state of assets or income of the guardian of a disabled child, or the householder or any other member of the family to which a disabled child belongs, or may request reporting from banks, trust corporations and other bodies or the employer of the guardian of the disabled child and other relevant persons.

Article 57-5 (1) Taxes and other charges may not be imposed based on the money and goods paid or provided pursuant to this Act

(2) The right to receive Institutional Benefits for Disabled Children, etc. may not be transferred, hypothecated nor seized.

(3) In addition to what is prescribed in the preceding paragraph, the money and goods paid or provided pursuant to this Act may not be seized, regardless of whether they have already been paid or provided or not.

Article 58 When a child welfare institution established pursuant to the provision of Article 35 paragraph (4) violates this Act or any order pursuant to this Act or any disposition imposed pursuant thereto, the prefectural governor may rescind the approval set forth in the same paragraph.

Article 59 (1) When the prefectural governor finds necessary for the welfare of children with regard to an institution intended for any of the services provided in Articles 36 to 44 inclusive for which the notification set forth in Article 35 paragraph (iii) has not been made or the approval set forth in paragraph (iv) of the same Article has not been obtained (including institutions for which the approval as a child welfare institution has been rescinded pursuant to the provision of the preceding Article), the prefectural governor may request its establisher or manager to report the matters found necessary by the prefectural governor or cause said prefecture's official to enter any of its offices or facilities or to conduct necessary investigations or ask questions in relation to the facilities or operation of the institution. In this case, the prefectural governor shall make the official carry his/her certification for identification.

(2) The provision of Article 18-16 paragraph (3) shall apply mutatis mutandis to the case referred to in the preceding paragraph.

(3) A prefectural governor may, when he/she finds necessary for the welfare of children, recommend the establisher of an institution provided in paragraph (1) to improve the facilities or operation of the institution, or give any other recommendation to him/her.

(4) When the establisher of the institution receiving a recommendation set forth in the preceding paragraph fails to follow the recommendation, the prefectural governor may publicize such failure.

(5) With regard to an institution provided in paragraph (1), a prefectural governor may, when he/she finds necessary for welfare of children, order suspension of its services or its closing, after hearing opinions from the Prefectural Child Welfare Council.

(6) In the case of urgent necessity to ensure the life or physical safety of a child, when there is not much time to hear opinions from the Prefectural Child Welfare Council in advance, the prefectural governor may give an order set forth in the preceding paragraph without taking said procedure for hearing.

(7) In the case where a recommendation set forth in paragraph (3) or an order set forth in paragraph (5) is given, the prefectural governor shall notify the mayor of municipality having jurisdiction over the location of the referenced institution to that effect.

Article 59-2 (1) With regard to an institution intended for the services provided in Article 39 paragraph (1) (excluding institutions targeting a small number of infants or toddlers and other facilities as specified by an Ordinance of the Ministry of Health, Labour and Welfare) for which the approval set forth in Article 35 paragraph (4) has not been obtained (including institutions for which the approval as a child welfare institution has been rescinded pursuant to the provision of Article 58), the establisher of the institution shall notify the prefectural governor of the matters listed in the following items within 1 month from the date of commencement of its services (or from the date of rescission of the approval, in the case of a child welfare institution for which the approval has been rescinded pursuant to the provision of Article 58):

- (i) Name and location of the institution;
- (ii) Name and address, or name and location, of the establisher;
- (iii) Scale and structure of buildings and other facilities;
- (iv) Date of commencement of the services;
- (v) Name and address of the manager of the institution; and
- (vi) Other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(2) When any change arises in such matters as specified in an Ordinance of the Ministry of Health, Labour and Welfare included in the notification pursuant to the provision of the preceding paragraph, the establisher of the institution

prescribed in the same paragraph shall notify the prefectural governor within 1 month from the date of such change. The same shall apply when the services of the institution has been abolished or suspended.

(3) When notification is made pursuant to the provisions of the preceding two paragraphs, the prefectural governor shall give notice of the matters pertaining to said notification to the mayor of municipality having jurisdiction over the location of the referenced institution.

Article 59-2-2 The establisher of an institution prescribed in paragraph (1) of the preceding Article shall post the matters listed in the following items in a place easily viewable for persons who intend to use the services provided in said institution:

- (i) Name of the establisher of the institution and name of its manager;
- (ii) Scale and structure of buildings and other facilities; and
- (iii) Other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.

Article 59-2-3 When the establisher of an institution prescribed in Article 59-2 paragraph (1) receives an application from a person who intends to use the services provided in said institution, the establisher shall endeavor to explain the matters concerning the contents of a contract for use of said services and the performance thereof.

Article 59-2-4 When a contract for use of the services provided in an institution prescribed in Article 59-2 paragraph (1) has been executed, the establisher of said institution shall, without delay, deliver to the user a document stating the matters listed in the following items:

- (i) Name and address, or name and location, of the establisher;
- (ii) Matters concerning the amounts payable by the user for provision of said services; and
- (iii) Other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.

Article 59-2-5 (1) The establisher of an institution provided in Article 59-2 paragraph (1) shall report the state of the operation of said institution to the prefectural governor every year pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(2) A prefectural governor shall annually compile the state of the operation of the institutions pertaining to the reports set forth in the preceding paragraph and other matters found necessary for welfare of children with regard to the institutions provided in Article 59-2 paragraph (1) and notify the mayor of

municipality having jurisdiction over the location of the respective institution of such compilation and publicize the same.

Article 59-2-6 With regard to the execution of the affairs and the exercise of the authorities provided in Article 59, Article 59-2 and the preceding Article, a prefectural governor may request necessary cooperation from the mayors of municipalities.

Article 59-2-7 With regard to the application of this Act in the case where some towns and villages have established a Welfare Office by setting up an administrative association or cross-regional federation, said association or federation shall be deemed to be a town or village establishing a Welfare Office.

Article 59-3 In the case where a prefecture or municipality pertaining to the Midwifery Care Practice and the Maternal and Child Aid Practice is changed due to the establishment or abolition of a Welfare Office by a town or village, the acts done by the head of the prefecture or municipality pertaining to said Midwifery Care Practice or Maternal and Child Aid Practice before such change pursuant to the provision of this Act or orders issued pursuant to this Act shall be deemed to be the acts done by the head of the prefecture or municipality pertaining to said Midwifery Care Practice or Maternal and Child Aid Practice after such change; provided, however, that no change shall be regarded to have arisen with regard to the payments and burden of the expenses for the Midwifery Care Practice or the Maternal and Child Aid Practice that were, or should have been, provided before such change.

Article 59-4 (1) With regard to a designated city set forth in Article 252-19 paragraph (1) of the Local Autonomy Act (hereinafter referred to as "Designated City") and a core city set forth in Article 252-22 paragraph (1) of the same Act (hereinafter referred to as "Core City"), and a city specified by a Cabinet Order as the one establishing a child guidance center (hereinafter referred to as "City with Child Guidance Center"), the affairs specified by a Cabinet Order that are supposed to be handled by a prefectural government under this Act shall be handled by the Designated City or Core City or the City with Child Guidance Center (hereinafter referred to as "Designated Cities, etc.") pursuant to the provisions of a Cabinet Order. In this case, the provisions concerning prefectures in this Act shall apply to Designated Cities, etc. as if they were the provisions concerning Designated Cities, etc.

(2) A person who has an objection to the prefectural governor's determination on a request for examination pertaining to a disposition imposed by the head of any of the Designated Cities, etc. pursuant to the provision of the preceding

paragraph (limited to the dispositions pertaining to the category 1 statutory entrusted affairs provided in Article 2 paragraph (9) item (i) of the Local Autonomy Act) may request the Minister of Health, Labor and Welfare to conduct re-examination.

(3) A prefectural governor may provide the head of a City with Child Guidance Center with recommendation, advice or assistance necessary to ensure smooth operation of such a child guidance center.

(4) In addition to what is provided for in this Act, necessary matters concerning a City with Child Guidance Center shall be prescribed by a Cabinet Order.

Article 59-5 (1) When the Minister of Health, Labor and Welfare finds an urgent necessity to protect the interests of a child, the affairs that are supposed to be placed under the prefectural governor's authority pursuant to the provisions of Article 21-4 paragraph (1), Article 34-4 paragraph (1), Article 34-5, Article 46 and Article 59 shall be conducted by the Minister of Health, Labor and Welfare or the prefectural governor.

(2) In the case referred to in the preceding paragraph, the provisions concerning prefectures in this Act (limited to those pertaining to the referenced affairs) shall apply to the Minister of Health, Labor and Welfare as if they were the provisions concerning the Minister of Health, Labor and Welfare. In this case, the phrases "suspend his/her services after hearing opinions from the Prefectural Child Welfare Council" referred to in Article 46 paragraph (4) and "suspension of its services or its closing, after hearing opinions from the Prefectural Child Welfare Council" referred to in Article 59 paragraph (5) shall be deemed to be replaced with "suspend his/her services" and suspension of its services or its closing" respectively.

(3) When the referenced affairs are conducted by the Minister of Health, Labor and Welfare or the prefectural governor in the case referred to in paragraph (1), they shall be conducted under mutually close coordination.

Article 59-6 The affairs that are supposed to be handled by a prefectural government pursuant to the provision of Article 56 paragraph (1) shall be the category 1 statutory entrusted affairs provided in item (i) of Article 2 paragraph (9) of the Local Autonomy Act.

Article 59-7 (1) The competent minister referred to in Article 56-10 paragraph (2) shall be the Minister of Health, Labor and Welfare; provided, however, that, with regard to the matters concerning such assistance set forth in the same paragraph as pertaining to the Child Care Support Services that are placed under the jurisdiction of other minister (limited to the services specified by an ordinance of the competent ministry set forth in Article 56-9 paragraph (1)),

both the Minister of Health, Labor and Welfare and the minister having jurisdiction over such services shall be the competent ministers.

(2) The ordinance of the competent ministry referred to in this Act shall be an Ordinance of the Ministry of Health, Labour and Welfare; provided, however, that, with regard to the matters concerning such services falling under those listed in the respective items of Article 21-9 that are placed under the jurisdiction of the minister other than the Minister of Health, Labor and Welfare, the orders issued respectively by the Minister of Health, Labor and Welfare and the minister having jurisdiction over such services shall be the competent ministry's orders.

Article 59-8 (1) The authorities of the Minister of Health, Labor and Welfare provided in this Act may be delegated to the Director General of each Regional Bureau of Health and Welfare pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(2) The authorities delegated to the Director General of the Regional Bureau of Health and Welfare pursuant to the provision of the preceding paragraph may be further delegated to the Director General of each Regional Branch Bureau of Health and Welfare pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

#### Chapter VI Penal Provisions

Article 60 (1) A person who violates the provision of Article 34 paragraph (1) item (vi) shall be punished by imprisonment with work for not more than 10 years or a fine of not more than 3,000,000 yen, or by cumulative imposition of both of them.

(2) A person who violates any of the provisions of items (i) to (v) inclusive or Article 34 paragraph (1) items (vii) to (ix) inclusive shall be punished by imprisonment with work for not more than 3 years or a fine of not more than 1,000,000 yen, or by cumulative imposition of both penalties.

(3) A person who violates the provision of Article 34 paragraph (2) shall be punished by imprisonment with work for not more than 1 year or a fine of not more than 500,000 yen.

(4) A person who employs a child may not be excuplated from the punishments pursuant to the provisions of the preceding three paragraphs for reasons of not knowing the age of the child; provided, however, that this shall not apply when the person is not negligent.

(5) When a representative of a juridical person or an agent, employee or other worker of a juridical person or individual causes a violation set forth in paragraphs (1) to (3) inclusive with regard to the business of said juridical

person or individual, not only offender shall be punished but also said juridical person or individual shall be punished by the fine prescribed in the respective paragraphs.

(6) Crimes set forth in paragraph (2) (limited to the portions pertaining to the persons who violate any of the provisions of Article 34 paragraph (1) items (vii) and (ix) shall be governed by Article 4-2 of the Penal Code.

Article 61 When a person who is, or used to be, engaged in consultation, investigations and judgment in a child guidance center divulges any secret coming to his/her knowledge in the course of duties without justifiable ground, he/she shall be punished by imprisonment with work for not more than 1 year or a fine of not more than 500,000 yen.

Article 61-2 (1) A person who violates the provision of Article 18-22 shall be punished by imprisonment with work for not more than 1 year or a fine of not more than 500,000 yen.

(2) With regard to a crime set forth in the preceding paragraph, no prosecution may be instituted without complaint.

Article 61-3 A person who violates the provision of Article 18-8 paragraph (4), Article 18-12 paragraph (1), Article 21-12 or Article 25-5 shall be punished by imprisonment with work for not more than 1 year or a fine of not more than 500,000 yen.

Article 61-4 A person who violates an order for suspension of the services or closing of an institution pursuant to the provision of Article 46 paragraph (4) or Article 59 paragraph (5) shall be punished by imprisonment with work or imprisonment for not more than 6 months or a fine of not more than 500,000 yen.

Article 61-5 A person, who refuses, interferes with, or recuses the execution of duties by a commissioned child welfare volunteer or by an employee engaged in the affairs concerning welfare of children pursuant to the provision of Article 29, or fails to answer a question or makes a false answer or makes a child to refrain from answering or make a false answer, without justifiable ground, shall be punished by a fine of not more than 500,000 yen.

Article 61-6 When an officer or employee of a Designated Examining Body fails to make a report pursuant to the provision of Article 18-16 paragraph (1) or makes a false report, or fails to answer a question pursuant to the provision of the same paragraph or makes a false answer, or refuses, interferes with, or

recuses the entry or inspection pursuant to the provision of the same paragraph, without justifiable ground, the officer or employee causing such violation shall be punished by a fine of not more than 300,000 yen.

Article 62 A person who falls under any of the following items shall be punished by a fine of not more than 300,000 yen:

(i) A person who uses the name of nursery teacher during the period for which he/she is ordered to suspend the use of the name of nursery teacher pursuant to the provision of Article 18-19 paragraph (2);

(ii) A person who violates the provision of Article 18-23;

(iii) A person who fails to make reporting pursuant to the provision of paragraph (1) of Article 21-14 or makes a false report, or fails to answer a question pursuant to the provision of the same paragraph or makes a false answer, or refuses, interferes with, or recuses the entry or inspection

pursuant to the provision of the same paragraph, without justifiable ground;

(iv) A person who fails to make a report pursuant to the provision of Article 24-15 paragraph (1) or submit or present an object, or makes a false report or submits or presents a false object, or fails to answer a question pursuant to the provision of the same paragraph or makes a false answer, or refuses,

interferes with, or recuses the entry or inspection pursuant to the provision of the same paragraph, without justifiable ground;

(v) A person who refuses, interferes with, or recuses the execution of duties by a commissioned child welfare volunteer or by an employee engaged in the affairs concerning welfare of children pursuant to the provision of Article 29, or fails to answer a question or makes a false answer or makes a child to refrain from answering or make a false answer, without justifiable ground;

(vi) A person who neglects to give notification provided in Article 30 paragraph (1); or

(vii) A person who fails to make a report pursuant to the provision of paragraph (1) of Article 59 or makes a false report, or refuses, interferes with, or recuses the entry and inspection pursuant to the provision of the same paragraph, or fails to answer a question pursuant to the provision of the same paragraph or makes a false answer, without justifiable ground.

Article 62-2 A person who fails to give notification pursuant to the provision of Article 59-2 paragraph (1) or (2) or gives false notification shall be punished by a civil fine of not more than 500,000 yen.

Article 62-3 A prefectural government may, in a Prefectural Ordinance, prescribe a provision to impose a civil fine of not more than 100,000 yen on a person who falls under any of the following items:

- (i) A person who is unwilling to comply with a request for return of the Institutional Beneficiary Certificate pursuant to the provision of Article 24-4 paragraph (2); or
- (ii) A person who fails to make a report pursuant to the provision of Article 57-3 paragraph (1) or submit or present an object, or makes a false report or submits or presents a false object, or fails to answer a question pursuant to the provision of the same paragraph or makes a false answer, without justifiable ground.

**Supplementary Provisions [Extract]**

Article 63 This Act shall come into force as from January 1, 1948; provided, however, that the provisions of Article 19, Articles 22 to 24 inclusive, Article 50 items (iv), (vi), (vii) and (ix) (excluding the portions concerning the facilities of child guidance centers), Article 51, Article 54 and Article 55, and the portions concerning the aforesaid provisions referred to in the provisions of Articles 52, 53 and 56 shall come into force as from April 1, 1948.

Article 63-2 (1) For the time being, with regard to a child admitted in an institution for mentally-retarded children (excluding those established by the national government) pursuant to the provision of Article 27 paragraph (1) item (iii) whose level of the disability is serious, when a prefectural governor finds that welfare of the child is likely to be impaired unless his/her admission is continued, the prefectural government may, notwithstanding the provision of Article 31 paragraph (2), take a measure to continue his/her admission even after he/she attains the age of 20.

(2) For the time being, with regard to a child admitted in an institution for orthopedically impaired children pursuant to the provision of Article 27 paragraph (1) item (iii) or a child provided in Article 43-3 and hospitalized in a Designated Medical Institution based on an entrustment pursuant to paragraph (2) of the same Article whose level of the disability is serious, when a prefectural governor finds that welfare of the child is likely to be impaired unless his/her admission or hospitalization is continued, the prefectural government may, notwithstanding the provision of Article 31 paragraph (3), take a measure to continue his/her admission in the institution for orthopedically impaired children or the entrustment pursuant to the provision of Article 27 paragraph (2), or change either of these two measures to the other one, even after he/she attains the age of 20.

(3) With regard to the application of this Act, the measure provided in the preceding two paragraphs shall be deemed to be a measure provided in Article 27 paragraph (1) item (iii) or paragraph (2) of the same Article.

(4) In the case referred to in paragraph (1) or (2), the prefectural governor shall hear opinions from the child guidance center's director.

Article 63-3 (1) For the time being, a prefectural government may, when he/she finds necessary, admit a person of 18 years of age or more who has both severe mental retardation and severe Limb/Trunk Dysfunction in an institution for severely-retarded children or entrust a Designated Medical Institution to hospitalize him/her and provide therapy, etc. to him/her.

(2) With regard to the application of this Act, the measure provided in the preceding paragraph shall be deemed to be a measure prescribed in Article 27 paragraph (1) item (iii) or item (ii) of the same Article.

Article 63-3-2 (1) For the time being, with regard to a disabled child under Admission, etc. in any of the designated retarded child institutions, etc. specified by an Ordinance of the Ministry of Health, Labour and Welfare (hereinafter referred to as "Admittee" in this paragraph), when a prefectural government finds that welfare of the Admittee is likely to be impaired unless the Designated Institutional Support for him/her is continued, the prefectural government may, notwithstanding the provision of Article 24-2 paragraph (1), Article 24-6 paragraph (1), Article 24-7 paragraph (1) or Article 24-20 paragraph (1), continue to pay or provide Institutional Benefits for Disabled Children, etc. to said Admittee based on his/her application, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare, until said Admittee becomes able to adapt him/herself to social life, even after he/she attains the age of 18; provided, however, that this shall not apply to the case where said Admittee can receive the treatment and care services provided in Article 5 paragraph (5) of the Act on Self-reliance Support for Persons with Disabilities (hereinafter referred to as "Treatment and Care Services") or other support.

(2) For the time being, with regard to a person of 18 years of age or more who has both severe mental retardation and severe Limb/Trunk Dysfunction, when a prefectural government finds that the welfare of the child is likely to be impaired unless he/she receives Designated Institutional Support pertaining to severely-retarded child institution, the prefectural government may, notwithstanding the provision of Article 24-2 paragraph (1), Article 24-6 paragraph (1), Article 24-7 paragraph (1) or Article 24-20 paragraph (1), continue to pay or provide to said person Institutional Benefits for Disabled Children, etc. pertaining to institutional support for severely-retarded children based on said person's application, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare; provided, however, that this shall not apply to the case where he/she can receive the Treatment and Care

Services or other support.

(3) With regard to a person who is eligible for Institutional Benefits for Disabled Children, etc. pursuant to the provisions of the preceding two paragraphs, he/she shall be deemed to be a disabled child or the guardian of a disabled child and the provisions of Articles 24-2 to 24-7 inclusive and Articles 24-19 to 24-22 inclusive shall apply. In this case, necessary terminological replacements shall be prescribed by a Cabinet Order.

(4) In the case referred to in paragraph (1), the prefectural governor shall hear opinions from the child guidance center's director.

Article 63-4 For the time being, with regard to a child of 15 years of age or more as prescribed in Article 26 paragraph (1) to whom a physically disabled certificate is issued pursuant to the provision of Article 15 paragraph (4) of the Physically Disabled Welfare Act, when the child guidance center's director finds appropriate to admit the child into a disabled person support institution provided in Article 5 paragraph (12) of the Act on Self-reliance Support for Persons with Disabilities (referred to as a "Disabled Person Support Institution" in the following Article) or use Disabled Person Welfare Services (limited to the services targeting only persons with disabilities provided in Article 4 paragraph (1) of the same Act; the same shall apply in the following Article), the child guidance center's director may notify the head of the municipality provided in Article 9 of the Physically Disabled Welfare Act or Article 19 paragraph (2) or (3) of the Act on Self-reliance Support for Persons with Disabilities.

Article 63-5 For the time being, with regard to a child of 15 years of age or more as provided in Article 26 paragraph (1), when the child guidance center's director finds appropriate to admit the child into a Disabled Person Support Institution or use Disabled Person Welfare Services, the child guidance center's director may notify the head of the municipality provided in Article 9 of the Retarded Person Welfare Act or Article 19 paragraph (2) or (3) of the Act on Self-reliance Support for Persons with Disabilities.

Article 65 The Child Abuse Prevention Act and the Juvenile Education and Protection Act shall be abolished: provided, however, that these acts shall remain in force with regard to the application of the penal provisions to an act done prior to their abolition.

Article 66 A disposition imposed by a prefectural governor pursuant to the provision of Article 2 of the Child Abuse Prevention Act shall be deemed to be a measure pursuant to the applicable provision of this Act.

Article 67 A juvenile education and protection center and its personnel training school pursuant to the Juvenile Education and Protection Act actually existing upon the coming into force of this Act shall be deemed to be an education and protection center and a personnel training facility established pursuant to this Act, and a person institutionalized in a juvenile education and protection center shall be deemed to be a person institutionalized in an education and protection center pursuant to the provision of Article 27 paragraph (1) item (iii).

Article 68 With regard to a juvenile education and protection center for which the curriculum has been approved by the Minister of Education pursuant to the proviso of Article 24 paragraph (1) of the Juvenile Education and Protection Act and which actually exists upon the coming into force of this Act, said center shall be deemed to have obtained approval set forth in Article 20 or 38 of the School Education Act from the supervising agency for the matters concerning the curriculum pursuant to the provision of Article 48 paragraph (3).

Article 69 A child aid institution actually existing upon the coming into force of this Act and falling under an aid institution pursuant to the Public Assistance Act shall be deemed to be a child welfare institution established pursuant to the provisions of this Act.

Article 70 A child welfare institution actually existing upon the coming into force of this Act and not falling under the provision of Article 67 nor the preceding Article may continue to exist as a child welfare institution pursuant to this Act by obtaining approval from the administrative agency pursuant to the provisions of an Order.

Article 71 The provisions of Article 34 paragraph (1) items (iii) to (v) inclusive shall not apply to a child of 14 years of age or more who completed the course of compulsory education or a course that is found equivalent or superior thereto pursuant to the provision of Article 96 of the School Education Act.

Article 72 (1) For the time being, the national government may, within the scope of the budget, provide loans without interest to a prefectural government (including Designated Cities, etc., in the case where they handle the affairs set forth in Article 56-2 paragraph (1) that are supposed to be handled by a prefectural government pursuant to the provision of Article 59-4 paragraph (1)); the same shall apply hereinafter in this paragraph and paragraph (7)), and any such loan shall be in the amount equivalent to the amount that can be subsidized by the national government pursuant to the provision of Article 56-2

paragraph (3) (including the provisions of the laws and regulations, if any, which provide for other different percentages that can be subsidized by the national government; the same shall apply hereinafter). Such loans shall be funded to be appropriated to the expenses subsidized by said prefectural government to social welfare corporations established pursuant to the provision of Article 31 paragraph (1) of the Social Welfare Act, the Japanese Red Cross Society or non-profit incorporated associations or non-profit incorporated foundations, if such subsidies from said prefectural government are granted for the expenses spent for such Construction, etc. of institutions for mentally retarded children, etc. that can be subsidized by the national government pursuant to the provision of pursuant to the provision of Article 56-2 paragraph (3) and that falls under Article 2 item (ii) paragraph (1) of the Act on Special Measures concerning Promotion of Development of Infrastructures by Utilization of Revenues from the Sale of Shares of Nippon Telegraph and Telephone Corporation (Act No. 86 of 1987) (hereinafter referred to as "Act on Special Measures concerning Infrastructure Development").

(2) For the time being, the national government may, within the scope of the budget, provide loans without interest to a prefectural or municipal government for part of the funds appropriated to the expenses spent for such new construction, repair, renovation, expansion or improvement of child and family support centers as falling under Article 2 paragraph (1) item (ii) of the Act on Special Measures concerning Infrastructure Development.

(3) For the time being, the national government may, within the scope of the budget, provide loans without interest to a prefectural government or a Designated City, etc. with regard to the expenses spent for such new construction, repair, renovation, expansion or improvement (excluding those for which the national government provides subsidies for expenses pursuant to the provision of Article 56-2 paragraph (3)) of institutions that is intended for the services for providing the aid for children or pursuing sound upbringing of children and that falls under Article 2 paragraph (1) item (ii) of the Act on Special Measures concerning Infrastructure Development. If such new construction, repair, renovation, expansion or improvement is implemented by said prefectural government or Designated City, etc., the loans from the national government shall be provided for part of funds to be appropriated to the expenses spent therefor by said prefectural government or Designated City, etc., and if implemented by a municipal government or a social welfare corporation other than Designated Cities, etc., the loans from the national government shall be provided for part of funds to be appropriated to the expenses subsidized therefor by said prefectural government or Designated City, etc.

(4) For the time being, the national government may, within the scope of the budget, provide loans without interest to a prefectural or municipal government or a person engaged in the services necessary for improvement of the medical treatment environment for children in need of long-term medical treatment in a Medical Institution (hereinafter referred to as "Children under Long-term Treatment") for part of funds to be appropriated to expenses spent for such new construction, repair, renovation, expansion or improvement of lodging facilities for family members of Children under Long-term Treatment as falling under Article 2 paragraph (1) item (ii) of the Act on Special Measures concerning Infrastructure Development.

(5) The period for reimbursement of loans from the national government set forth in any of the preceding paragraphs shall be a period not exceeding 5 years (inclusive of a grace period not exceeding 2 years) as specified by a Cabinet Order.

(6) In addition to what is prescribed in the preceding paragraph, the method of reimbursement of loans, acceleration of the reimbursement period and other necessary matters concerning reimbursements pursuant to the provisions of paragraphs (1) to (4) inclusive shall be prescribed by a Cabinet Order.

(7) In the case where a loan is provided to a prefectural government pursuant to the provision of paragraph (1), the national government shall subsidize the amount equivalent to said loan amount pursuant to the provision of Article 56-2 item (iii) with regard to the services to be covered by said loan, and said subsidy shall be given by means of granting the amount equivalent to the amount of said loan reimbursement at the times of such reimbursements.

(8) In the case where a loan is provided to a prefectural or municipal government or a person engaged in the services necessary for the improvement of the medical treatment environment for Children under Long-term Treatment pursuant to the provisions of paragraphs (2) to (4) inclusive, the national government shall subsidize the amount equivalent to the loan amount with regard to the services to be covered by said loan, and said subsidy shall be given by means of granting the amount equivalent to the amount of said loan reimbursement at the times of such reimbursements.

(9) With regard to the application of the provisions of the preceding two paragraphs in the case where a prefectural or municipal government or a person engaged in the services necessary for the improvement of the medical treatment environment for Children under Long-term Treatment redeems the loan amount without interest provided pursuant to the provisions of paragraphs (1) to (4) inclusive by accelerating the reimbursement period specified pursuant to the provisions of paragraphs (5) and (6) (excluding the cases specified by a Cabinet Order), said accelerated reimbursements shall be deemed to be made upon the maturity dates for said original reimbursement

period.

Article 73 With regard to the application of the provisions of Articles 53 and 55 in fiscal 1985, the term "eight-tenths (8/10)" referred to in Article 53 shall be replaced with "seven-tenths (7/10)", and the term "one-tenth (1/10)" referred to in Article 55 shall be replaced with "one and a half-tenths (1.5/10)".

Article 74 With regard to the application of the provisions of Articles 53 and 55 in the respective fiscal years from fiscal 1986 to fiscal 1988, the term "eight-tenths (8/10)" referred to in Article 53 shall be replaced with "five-tenths (5/10)", and the term "one-tenth (1/10)" referred to in Article 55 shall be replaced with "two and a half-tenths (2.5/10)".

**Supplementary Provisions [Act No. 135 of November 30, 2001 Extract]**  
**[Extract]**

(Effective Date)

Article 1 This Act shall come into force as from the dates prescribed respectively in the following items in accordance with the classification listed in said items:

- (i) The provision adding a new Article after Article 56-6 and the provision of the following Article: The day of promulgation:  
"Section 3 Child Welfare Officer and Commissioned Child Welfare Volunteer (Articles 11 through 14), Section 4. Child Guidance Center, Welfare Office and public health center (Articles 15 through 18-3)" with "Section 3 Child Welfare Officer (Articles 11 through 11-3), Section 4. Commissioned Child Welfare Volunteer (Articles 12 through 14), Section 5 Child Guidance Center, Welfare Office and Health Center (Articles 15 through 18-3)", the provision renaming Chapter 1 Section 3, the provisions adding two new Articles after Article 11, the provisions in Chapter 1 renumbering Section 4 to Section 5 and adding the name of a new Section before Article 12, the provision revising Article 12; the provision adding a new Article after Article 12; the provision revising Article 13; the provision adding a new Article after Article 13, and the provision revising Article 14, and the provisions of Articles 7 to 9 inclusive of these Supplementary Provisions: December 1, 2001:
- (ii) The portion of the provision revising the Table of Contents to replace "Chapter 5 Miscellaneous Provisions (Articles 56-6 through 62-2)" with "Chapter 5 Miscellaneous Provisions (Articles 56-6 through 59-7), Chapter 6 Penal Provisions (Articles 60 through 62-2)", the provision revising Article 46 paragraph (4), the provisions revising Article 59 paragraphs (1) and (3), the provisions adding two new paragraphs after Article 59 paragraph (2), the

provisions adding other two new paragraphs in Article 59, the provisions renumbering Article 59-2 to Article 59-2-7 and adding six new Articles after Article 59, the provision revising Article 59-5 paragraph (2), the provision adding the name of a new Chapter after Article 59-7, the provisions adding three new Articles after Article 60 (limited to the portions pertaining to Article 60-4), and the provision revising Article 62-2, and the provisions of Articles 6 and 10 of these Supplementary Provisions: The date specified by a Cabinet Order within a period not exceeding 1 year from the day of promulgation; and

- (iv) The provisions other than those listed in the preceding three items: The date specified by a Cabinet Order within a period not exceeding 2 years from the day of promulgation.

(Preparation for Enforcement)

Article 4 A person specified by a Cabinet Order as actually possessing the knowledge and skills necessary as a nursery teacher upon the coming into force of the provisions listed in Article 1 item (iv) of these Supplementary Provisions shall be deemed to be a person qualified as a nursery teacher provided in Article 18-6 of the revised Act.

Article 5 With regard to a person provided in the preceding Article who has not yet been registered pursuant to the provision of Article 18-18 paragraph (1) of the revised Act (excluding persons who fall under any of the items of Article 18-5 of the revised Act), the provision of Article 18-23 of the revised Act shall not apply for 3 years following the coming into force of the provisions listed in Article 1 item (iv) of these Supplementary Provisions.

**Supplementary Provisions [Act No. 153 of December 3, 2004 Extract]**  
**[Extract]**

(Effective Date)

Article 1 This Act shall come into force as from January 1, 2005; provided, however, that the provisions listed in the following items shall come into force as from the dates prescribed respectively in said items:

- (i) The provisions of Article 1 of this Act revising Article 12-2 of the Child Welfare Act, revising Article 37 of the same Act (limited to the portion to add "ensuring steady living environment" in relation to the phrase "in terms of healthcare" and the portion to delete "under 2 years of age in general" in relation to those infants referred to therein) and revising Article 41 of the same Act (limited to the portion to replace "children without guardian excluding infants" with "children without guardian (excluding infants);

provided, however, that infants shall be also included in the case where it is particularly necessary for ensuring steady living environment or due to other reasons; the same shall apply hereinafter in this Article<sup>(b)</sup>): The day of promulgation:

(ii) The provisions of Article 1 of this Act revising Articles 34 and 60 of the Child Welfare Act, and the provisions of Article 5 of these Supplementary

Provisions: The date on which the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography will come into force with regard to Japan;

(iii) The provisions of Article 2 of this Act (excluding the revision provisions listed in the following item) and the provisions of Articles 3, 4, 6 and 10 of these Supplementary Provisions (excluding the revision provisions listed in the following item): April 1, 2005; and

(iv) The provisions of Article 2 of this Act revising Article 59-4 of the Child Welfare Act and the provision of Article 10 of these Supplementary Provisions revising Article 16 of the Act on the Prevention, etc. of Child Abuse (Act No. 82 of 2000): April 1, 2006.

(Transitional Measures concerning Entrusted guardian)

Article 2 With regard to a child actually committed to an entrusted guardian pursuant to the provision of Article 27 paragraph (1) item (iii) of the Child Welfare Act prior to the revision pursuant to the provision of Article 1 of this Act (hereinafter referred to as "Old Act") upon the coming into force of this Act, a prefectural government may, notwithstanding the provision of Article 27 paragraph (1) item (iii) of the Child Welfare Act revised pursuant to Article 1 of this Act, continue to take the measure to entrust the child to said entrusted guardian until expiration of the period of entrustment specified for the child pursuant to the provision of paragraph (5) or (6) Article 27 of the Old Act, in accordance with the provision then in force which shall remain applicable.

(Transitional Measures concerning Child Welfare Officer)

Article 3 A Child Welfare Officer actually appointed upon the coming into force of the provisions listed in Article 1 item (iii) of these Supplementary Provisions shall be deemed to be a Child Welfare Officer appointed pursuant to the provision of Article 13 paragraph (2) of the Child Welfare Act revised pursuant to Article 2 of this Act.

(Transitional Measures concerning the Measure taken with the Family Courts Approval)

Article 4 With regard to a measure commenced on or before March 31, 2004 pursuant to the proviso of Article 28 paragraph (1) item (i) or (ii) of the Child

Welfare Act prior to the revision pursuant to the provision of Article 2 of this Act and actually taken upon the coming into force of the provisions listed in Article 1 item (iii) of these Supplementary Provisions, said measure shall be deemed to be taken as of April 1, 2004 and the provisions of Article 28 paragraphs (2) to (6) inclusive of the Child Welfare Act revised pursuant to Article 2 of this Act shall apply.

(Transitional Measures concerning the Penal Provisions)

Article 5 The provision of Article 60 paragraph (5) of the Child Welfare Act revised pursuant to Article 1 of this Act shall apply only to such a crime that is supposed to be punished, even in the case it is committed outside Japan, by virtue of a treaty coming into force with regard to Japan on or after the date of the coming into force of the provisions listed in Article 1 item (i) of these Supplementary Provisions.

#### **Supplementary Provisions [Act No. 25 of April 1, 2005 Extract] [Extract]**

(Effective Date)

Article 1 This Act shall come into force as from April 1, 2005.

(Transitional Measures due to Partial Revision of the Child Welfare Act, etc.)

Article 6 The provisions of the Child Welfare Act, etc. revised pursuant to this Act (excluding Article 1 of this Act) shall apply to the burdens of the national or prefectural governments pertaining to the budgets for fiscal 2005 and subsequent fiscal years (excluding the burdens of the national or prefectural governments expended in fiscal 2005 or any subsequent fiscal year due to the affairs or services implemented in fiscal 2004 or any preceding fiscal year).

With regard to the burdens of the national or prefectural governments expended in fiscal 2005 or any subsequent fiscal year due to the affairs or services implemented in fiscal 2004 or any preceding fiscal year, the provisions then in force shall remain applicable.

Article 7 The provisions of paragraphs (6) to (9) inclusive and Article 72

paragraph (11) of the Child Welfare Act revised pursuant to the provision of Article 2 of this Act (hereinafter referred to as "Revised Child Welfare Act") shall also apply to such loans set forth in Article 72 paragraphs (1) and (2) of the Child Welfare Act prior to the revision pursuant to the provision of Article 2 of this Act that were, or will be, provided by the national government before the coming into force of this Act. In this case, the phrase "any of the preceding paragraphs" referred to in Article 72 paragraph (6) of the Revised Child Welfare Act shall be replaced with "Article 72 paragraphs (1) and (2) of the

Child Welfare Act prior to the revision pursuant to the provision of Article 2 of the Act for Partial Revision of the National Health Insurance Act, etc. based on Arrangement and Rationalization, etc. of the National Government Subsidies, etc. (Act No. 25 of 2006) (hereinafter referred to as "Old Child Welfare Act"), the phrase "paragraphs (1) to (5) inclusive" referred to in paragraph (7) of the same Article shall be replaced with "Article 72 paragraphs (1) and (2) of the Old Child Welfare Act", the phrases "paragraph (1)" and "Article 52" referred to in paragraph (8) of the same Article shall be replaced with "Article 72 paragraph (1) of the Old Child Welfare Act" and "Article 52 of the Old Child Welfare Act" respectively. the phrases "paragraph (2)" and "Article 56-2 paragraph (3)" referred to in paragraph (9) of the same Article shall be replaced with "Article 72 paragraph (2) of the Old Child Welfare Act" and "Article 56-2 paragraph (3) of the Old Child Welfare Act" respectively, the phrases "paragraphs (1) to (5) inclusive" and "the preceding three paragraphs" referred to in paragraph (11) of the same Article shall be replaced with "Article 72 paragraphs (1) and (2) of the Old Child Welfare Act" and "Article 72 paragraphs (8) and (9) of the Old Child Welfare Act" respectively.

(Delegation of Other Transitional Measures to Cabinet Orders)  
Article 10 In addition to what is provided in these Supplementary Provisions, necessary transitional measures due to the coming into force of this Act shall be provided by a Cabinet Order.

**Supplementary Provisions [Act No. 50 of June 2, 2006 Extract] [Extract]**

(Effective Date)

(1) This Act shall come into force as from the date of the coming into force of the Act on General Incorporated Associations and General Incorporated Foundations.

(Adjustment Provisions)

(2) In the case where the date of the coming into force of the Act for Partial Revision of the Penal Code to Respond to an Increase in International and Organized Crimes and Advancement of Information (Act No. \_ of 2006) falls after the effective date of this Act, the phrase "crime set forth in Article 157 (Aggravated Breach of Trust of Directors, etc.) of the Intermediate Corporation Act (Act No. 49 of 2001)" referred to in appended table 62 of the Act for Punishment of Organized Crimes, Control of Crime Proceeds and Other Matters (Act No. 136 of 1999; referred to as the "Organized Crime Punishment Act" in the following paragraph) shall be replaced with "crime set forth in Article 334 (Aggravated Breach of Trust of Directors, etc.) of the Act on

General Incorporated Association and General Incorporated Foundation (Act No. 48 of 2006)", with regard to the application of the provision of the same appended table from the effective date of this Act to the day preceding the date of the coming into force of the Act for Partial Revision of the Penal Code to Respond to an Increase in International and Organized Crimes and Advancement of Information.

(3) With regard to the application of the provisions of the Organized Crime Punishment Act until the day preceding the date of the coming into force of the Act for Partial Revision of the Penal Code to Respond to an Increase in International and Organized Crimes and Advancement of Information, a crime set forth in Article 157 (Aggravated Breach of Trust of Directors, etc.) of the Old Act on General Incorporated Association and General Incorporated Foundation in the case where the provisions then in force are supposed to remain applicable pursuant to the provision of Article 457 of the Organized Crime Punishment Act shall be deemed to be a crime listed in item (62) of the appended table of the Organized Crime Punishment Act, in the case referred to in the preceding paragraph, in addition to what is prescribed in the same paragraph.

**Supplementary Provisions [Act No. 53 of June 7, 2006]**

(Effective Date)

Article 1 This Act shall come into force as from April 1, 2007; provided, however, that the provisions listed in the following items shall come into force as from the dates prescribed respectively in said items:

(i) The provisions revising Article 195 paragraph (2), Article 196 paragraphs (1) and (2), Article 199-3 paragraphs (1) and (4), Article 252-17, Article 252-22 paragraph (1) and Article 252-23, and the provisions of Articles 4, 6, 8 to 10 inclusive and 50 of these Supplementary Provisions: The day of promulgation; and  
(ii) The provision revising Article 96 paragraph (1), the provision adding a new Article after Article 100, and the provisions revising Article 101, Article 102 paragraphs (4) and (5), Article 109, Article 109-2, Article 110, Article 121, Article 123, Article 130 paragraph (3), Article 138, Article 179 paragraph (1), Article 207, Article 225, Article 231-2, Article 234 paragraphs (3) and (5), Article 237 paragraph (3), Article 238 paragraph (1), Article 238-2 paragraph (2), Article 238-4, Article 238-5, Article 263-3 and Article 314 paragraph (1), and the provisions of Articles 22 and 32 of these Supplementary Provisions, the provision of Article 37 of these Supplementary Provisions revising Article 33 paragraph (3) of the Local Public Enterprise Act (Act No. 292 of 1952), the provision of Article 47 of these Supplementary Provisions revising Article 5-

## Annex 2-2

### Act on the Prevention, etc. of Child Abuse

(Act No. 82 of May 24, 2000)

29 of the Old Act on Special Provisions of the Merger of Municipalities (Act No. 6 of 1965) to the effect that the provision of said Article 5-29 shall remain effective pursuant to the provision of Article 2 paragraph (6) of the supplementary provisions of the same Act, and the provision of Article 51 of these Supplementary Provisions revising Article 47 of the Act on Special Provisions of the Merger of Municipalities (Act No. 59 of 2004): The date specified by a Cabinet Order within a period not exceeding 1 year from the day of promulgation.

#### Supplementary Provisions [Act No. 73 of June 1, 2007]

(Effective Date)

Article 1 This Act shall come into force as from April 1, 2008.

(Review)

Article 2 (1) The Government shall examine a review of a system of parental authority to prevent child abuse and to protect the rights of children, and shall take necessary measures based on the result of the examination, in three years after the effective date of this act.

(2) The Government shall promptly examine a scheme about an expansion of foster parents and foster homes, etc., a scheme about an improvement in quality of management of foster homes, etc. Including prevention of child abuse in foster homes, etc., a scheme about enrichment of education and supporting independence of children in foster homes, etc., and other necessary matters, and shall take necessary measures based on the result of the examination.

(Purpose)

Article 1 The purpose of this Act is to promote measures concerning prevention, etc. of child abuse by providing for the duties of the national and local governments concerning prevention of child abuse, such as prohibition of child abuse, precaution against and early detection of child abuse, and the measures and other matters for protection of children who have suffered child abuse and support of their self-reliance, taking into account the serious violation of human rights of children by child abuse, the significant impact of child abuse on mental and physical development of children and their character formation and the adverse effect of child abuse on the nurturing of future generations of Japan, whereby contributing to the protection of rights and interests of children.

(Definition of Child Abuse)

Article 2 The term "child abuse" as used in this Act means the following acts committed by a custodian (meaning a person who exercises parental authority, a guardian of a minor or other person who is currently engaged in custody of a child: hereinafter the same shall apply) against a child (meaning a person who is under 18 of age: hereinafter the same shall apply) under his/her custody:

- (i) Assault the child in a manner that will cause or is likely to cause external injury on the body of the child;
- (ii) Engage in indecency against the child or cause the child to engage in indecency;
- (iii) Substantially reduce the amount of food for the child or abandon and neglect the child for a long time period in a manner that may interfere with normal development of the child mentally or physically, or leave a person living together other than the custodian to commit any act that is equivalent to those listed in the preceding two items or the following item, or otherwise materially fail to perform the duty of custody as a custodian; or
- (iv) Use significantly violent language or take an extreme attitude of rejection against the child, use violence upon one's spouse in a family in which the child is living together (meaning illegal attacks on the body of the spouse (including the one who is under circumstances substantially equivalent to marital relationship although the marriage notification has not been made) that threaten the spouse's life or body, as well as the words and behaviors equivalent to said attacks which would have harmful effect on the spouse

mentally or physically), or otherwise speak or behave in a manner that would be significantly traumatic to the child.

(Prohibition of Child Abuse)

Article 3 No person shall abuse a child.

(Duties, etc. of National and Local Governments)

Article 4 (1) The national and local governments shall endeavor to develop systems necessary for prevention, etc. of child abuse, such as for strengthening collaboration among the relevant ministries and government agencies, other relevant organs and private bodies, providing support to the private bodies, developing the system for providing medical care and the like, in order to facilitate precaution against and early detection of child abuse, prompt and appropriate protection of children who have suffered child abuse and support of their self-reliance (including self-reliance support for persons who have become 18 years of age after suffering child abuse; the same shall apply in paragraph (3) and paragraph (2) of the following Article), and to provide appropriate guidance and support to custodians who have committed child abuse by taking into account the promotion of reunion of parent and child and other matters necessary for the abused children to live in a good and homelike environment.

(2) The national and local governments shall take necessary measures such as providing trainings, in order to promote early detection of child abuse by officials of child guidance centers and other relevant organs, teachers and other staff workers of schools, officials of child welfare institutions, medical practitioners, public health nurses, attorneys-at-law and other persons involved in child welfare in the course of their duties, and otherwise to contribute to the prevention of child abuse.

(3) The national and local governments shall take necessary measures such as providing trainings, for maintaining human resources of officials of child guidance centers and other relevant organs, teachers and other staff workers of schools, officials of child welfare institutions and other persons engaged in the duties of protecting abused children and supporting their self-reliance, and for helping them improve their qualifications, in order to conduct the protection of children who have suffered child abuse and the support of their self-reliance properly based on expert knowledge.

(4) The national and local governments shall, for facilitating the prevention of child abuse, endeavor to conduct necessary public relations and other enlightenment activities regarding human rights of children, effect of child abuse on children, obligation of notification of child abuse and the like.

(5) The national and local governments shall conduct an analysis of child abuse cases in which the abused children suffered significantly serious damage

mentally or physically, while conducting research and study as well as observation of necessary matters for prevention, etc. of child abuse, such as the measures for precaution against and early detection of child abuse, what the care of children who have suffered child abuse and the guidance and support for custodians who committed child abuse should be like, and the roles and functions of teachers and other staff workers of schools and officials of child welfare institutions in the prevention of child abuse.

(6) A person who exercises parental authority over his/her child shall be primarily responsible for nurturing the child in a sound manner mentally and physically, and shall endeavor to respect the interests of the child to the maximum extent possible in exercising parental authority.

(7) Any person shall pay attention to the requirement of good and homelike environment and collaboration of neighboring society for sound development of children.

(Early Detection, etc. of Child Abuse)

Article 5 (1) Teachers, officials and other staff workers of schools, child welfare institutions, hospitals and other bodies involved in child welfare in the course of their operations, and officials of child welfare institutions, medical practitioners, public health nurses, attorneys-at-law and other persons involved in child welfare in the course of their duties, shall endeavor to detect child abuse at an early stage, acknowledging that they are in the positions to detect child abuse easily.

(2) A person prescribed in the preceding paragraph shall endeavor to cooperate with the precautions against child abuse and other measures for preventing child abuse, as well as the measures concerning protection of children who have suffered child abuse and support of their self-reliance, taken by the national and local governments.

(3) Schools and child welfare institutions shall endeavor to educate and enlighten children and custodians for the prevention of child abuse.

(Notification of Child Abuse)

Article 6 (1) A person who has detected a child who appears to have suffered child abuse shall promptly give notification to the municipality or the welfare office or child guidance center established by the prefecture, or to the municipality or such welfare office or child guidance center through a commissioned child welfare volunteer.

(2) The notification given pursuant to the provision of the preceding paragraph shall be deemed to be a notification given pursuant to the provision of Article 25 of the Child Welfare Act (Act No. 164 of 1947), and the provisions of the same Act shall apply.

(3) The provisions concerning the crime of unlawful disclosure of confidential information set forth in the Penal Code (Act No. 45 of 1907) and the provisions in any other Act providing for confidentiality obligations shall not be construed to preclude a person from complying with the obligation of notification prescribed by paragraph (1).

Article 7 When a municipality or a welfare office or child guidance center established by a prefecture receives a notification pursuant to the provision of paragraph (1) of the preceding Article, the director, employees and other officials of the municipality or the welfare office or child guidance center established by a prefecture, and the commissioned child welfare volunteer who mediated said notification, shall not divulge any information that comes to their knowledge in the course of their duties and that may identify the person who made said notification.

(Measures Taken upon Receipt of Notification or Referral)

Article 8 (1) When a municipality or a welfare office established by a prefecture receives a notification pursuant to the provision of paragraph (1) of Article 6, the mayor of the municipality or the director of the welfare office shall take measures to confirm safety of the relevant child, such as an interview with the child, while obtaining cooperation of the residents of neighboring communities, teachers and other staff workers of his/her school, officials of child welfare institutions and other persons as necessary, and shall take the measures listed in the following as necessary:

(i) Refer the child to a child guidance center pursuant to the provision of item (1), paragraph (1) or item (i), paragraph (2) of Article 25-7 of the Child Welfare Act or item (i) of Article 25-8 of the same Act; or

(ii) Notify the prefectural governor or the director of child guidance center of the relevant child for whom it would be appropriate to make a request for appearance and conduct investigations or questioning pursuant to the provision of paragraph (1) of the following Article, or conduct an entry and investigations or questioning pursuant to the provision of paragraph (1), Article 9 or take temporary custody pursuant to the provision of paragraph (1) or (2) of Article 33 of the Child Welfare Act.

(2) When a child guidance center receives a notification pursuant to the provision of paragraph (1), Article 6 or a referral pursuant to the provision of item (i), paragraph (1) or item (i), paragraph (2) of Article 25-7 or item (i) of Article 25-8 of the Child Welfare Act, the director of the child guidance center shall take measures to confirm safety of the child, such as an interview with the child, while obtaining cooperation of the residents of neighboring communities, teachers and other staff workers of his/her school, officials of child welfare

institutions and other persons as necessary, and shall take temporary custody pursuant to the provision of paragraph (1), Article 33 of the same Act as necessary.

(3) The person who takes the measures to confirm safety of the child, refers the child to a child guidance center or takes temporary custody of the child as prescribed in the preceding two paragraphs shall do so in a prompt manner.

(Request for Appearance, etc.)

Article 8-2 (1) A prefectural governor may, when he/she finds a possibility of ongoing child abuse, request the custodian of the relevant child to make appearance with the child, and cause a commissioned child welfare volunteer or an official engaged in the affairs concerning welfare of children to conduct necessary investigations or questioning. In this case, the prefectural governor shall require the child welfare volunteer or the official to carry his/her identification and to produce it at the request of the relevant person.

(2) When the prefectural governor intends to request appearance of the custodian of the child pursuant to the provision of the preceding paragraph, he/she shall give notification to the custodian in writing describing the particulars of the fact which constitutes the ground for requesting the appearance, the date, time and place of the requested appearance, the name of the child with whom the custodian is to make appearance and other necessary matters, as specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(3) If the custodian set forth in paragraph (1) fails to follow the request for appearance made pursuant to the provision of the same paragraph, the prefectural governor shall take necessary measures such as an entry and investigations or questioning by a commissioned child welfare volunteer or an official engaged in the affairs concerning welfare of children pursuant to the provision of paragraph (1) of the following Article.

(On-site Investigations, etc.)

Article 9 (1) A prefectural governor may, when he/she finds a possibility of ongoing child abuse, cause a commissioned child welfare volunteer or an official engaged in the affairs concerning welfare of children to enter the domicile or residence of the child and conduct necessary investigations or questioning. In this case, the prefectural governor shall require the commissioned child welfare volunteer or the official to carry his/her identification and to produce it at the request of the relevant person.

(2) The entry and investigations or questioning conducted by a commissioned child welfare volunteer or an official engaged in the affairs concerning welfare of children pursuant to the provision of the preceding paragraph shall be deemed to be an entry and investigations or questioning conducted by a

commissioned child welfare volunteer or an official engaged in the affairs concerning welfare of children pursuant to the provision of Article 29 of the Child Welfare Act, and the provision of Article 61-5 of the same Act shall apply.

(Request for Re-appearance, etc.)

Article 9-2 (1) A prefectural governor may, when he/she finds a possibility of ongoing child abuse in cases where the custodian set forth in paragraph (1) of Article 8-2 or the custodian of the child set forth in paragraph (1) of the preceding Article has refused, obstructed or evaded the entry or investigations by a commissioned child welfare volunteer or an official engaged in the affairs concerning welfare of children pursuant to the provision of the same paragraph without justifiable grounds, request said custodian to make appearance with the child, and cause the commissioned child welfare volunteer or the official engaged in the affairs concerning welfare of children to conduct necessary investigations or questioning. In this case, the prefectural governor shall require the child welfare volunteer or the official to carry his/her identification and to produce it at the request of the relevant person.

(2) The provision of paragraph (2) of Article 8-2 shall apply mutatis mutandis to the request for appearance made pursuant to the provision of the preceding paragraph.

(Inspection, Search, etc.)

Article 9-3 (1) A prefectural governor may, when he/she finds a suspicion of ongoing child abuse in cases where the custodian set forth in paragraph (1) of Article 8-2 or the custodian of the child set forth in paragraph (1) of Article 9 fails to follow the request for appearance pursuant to the provision of paragraph (1) of the preceding Article, cause an official engaged in the affairs concerning welfare of children to inspect the domicile or residence of the child or search for the child, for ensuring that safety of the child is confirmed and secured, with a permit issued in advance by a judge of a district court, family court or summary court which has jurisdiction over the location of the domicile or residence of the child.

(2) The prefectural governor may, when he/she causes the inspection or search to be made pursuant to the provision of the preceding paragraph, cause an official engaged in the affairs concerning welfare of children to conduct necessary investigations or questioning.

(3) When the prefectural governor makes a request for the permit set forth in paragraph (1) hereinafter referred to as the "permit"), he/she shall submit the materials to prove the suspicion of ongoing child abuse, materials to prove that the child is in the domicile or residence to be inspected, and materials to prove the fact that the custodian of the child has refused, obstructed or evaded the

entry or investigations pursuant to the provision of paragraph (1) of Article 9 and has failed to follow the request for appearance pursuant to the provision of paragraph (1) of the preceding Article.

(4) If a request set forth in the preceding paragraph is made, the judge of the district court, family court or summary court shall issue the permit to the prefectural governor with the judge's name and seal affixed and the following information written: the site to be inspected or the name of the child to be searched and the valid period of the permit, and the description to the effect that the inspection or search may not be initiated and the permit must be returned after the expiration of the valid period, and the date of issuance of the permit and the name of the court.

(5) The prefectural governor shall deliver the permit to an official engaged in the affairs concerning welfare of children to cause him/her to conduct the inspection or search pursuant to the provision of paragraph (1).

(6) The system for the inspection or search pursuant to the provision of paragraph (1) must be operated properly by giving sufficient consideration to the fact that said system has been established specifically taking into account the risk of child abuse which may cause significant danger of life or body of the child due to special circumstances, such as the fact that child abuse is hardly acknowledged by others and the child can hardly escape from suffering on his/her own because child abuse is committed by the custodian against the child under his/her custody.

(Restriction on Night Inspection or Search)

Article 9-4 (1) No inspection or search pursuant to the provision of paragraph (1) of the preceding Article may be conducted during the period from sunset to sunrise unless it is specified in the permit that the permit may be executed at night.

(2) An inspection or search conducted pursuant to the provision of paragraph (1) of the preceding Article which has been started before sunset may, when it is found necessary, be continued after sunset.

(Presentation of Permit)

Article 9-5 The permit for the inspection or search issued pursuant to the provision of paragraph (1) of Article 9-3 shall be presented to the person who is subject to such disposition.

(Certification of Status)

Article 9-6 An official engaged in the affairs concerning welfare of children shall, when he/she conducts the inspection or search pursuant to the provision of paragraph (1) of Article 9-3 or the investigations or questioning pursuant to

the provision of paragraph (2) of the same Article (hereinafter referred to as the "inspection, etc."), carry his/her identification and produce it at the request of the relevant person.

(Necessary Dispositions upon Inspection or Search)

Article 9-7 An official engaged in the affairs concerning welfare of children may, when it is necessary for conducting the inspection or search pursuant to the provision of paragraph (1) of Article 9-3, remove the lock or take other necessary dispositions.

(Prohibition of Entrance and Leaving During Inspection, etc.)

Article 9-8 An official engaged in the affairs concerning welfare of children may prohibit any person from entering or leaving the site without permission while the inspection, etc. is conducted.

(Attendance of Responsible Person, etc.)

Article 9-9 (1) An official engaged in the affairs concerning welfare of children shall, when he/she conducts an inspection or search pursuant to the provision of paragraph (1) of Article 9-3, cause the owner or manager of the domicile or residence of the relevant child (including the representative, agent or other person acting on their behalf) or a relative who has attained the age of majority and lives together to attend said inspection or search.

(2) If, in the case of the preceding paragraph, the official is unable to cause a person prescribed in the same paragraph to attend his/her inspection or search, he/she shall cause a neighbor who has attained the age of majority or an official of the local government of that place.

(Request for Assistance from Police Chief, etc.)

Article 10 (1) When a director of child guidance center intends to confirm safety of the child or take temporary custody of the child pursuant to the provision of paragraph (2) of Article 8, and finds it necessary in performing those duties, he/she may ask the chief of police station having jurisdiction over the location of the domicile or residence of the relevant child for assistance. The same shall apply where a prefectural governor intends to cause the entry and investigations or questioning to be conducted or cause the inspection, etc. to be conducted pursuant to the provision of paragraph (1) of Article 9.

(2) The director of child guidance center or the prefectural governor shall ask the chief of police station pursuant to the provision of the preceding paragraph promptly and appropriately as necessary from the viewpoint of ensuring that safety of the child is confirmed and secured perfectly.

(3) The chief of police station shall, when he/she receives a request for assistance

pursuant to the provision of paragraph (1) and finds it necessary to confirm or secure the life or physical safety of the child, endeavor to cause a police official belonging to said police station to take measures provided for in the Police Duties Execution Act (Act No. 136 of 1948) and other laws and regulations which are necessary for assisting the performance of the duties set forth in the same paragraph.

(Record)

Article 10-2 An official engaged in the affairs concerning welfare of children shall, when he/she has conducted an inspection or search pursuant to the provision of paragraph (1) of Article 9-3, produce a record describing the date on which such disposition was made and the result thereof, present the same to the observer who attended the disposition, and sign and seal the same with the observer. Provided, however, that if the observer fails to, or is unable to, sign and seal the record, it would be sufficient to make a supplementary note to that effect.

(Report to Prefectural Governor)

Article 10-3 An official engaged in the affairs concerning welfare of children shall, when he/she has completed the inspection, etc., report the result thereof to the prefectural governor.

(Exclusion from Application of the Administrative Procedure Act)

Article 10-4 The provisions of Chapter III of the Administrative Procedure Act (Act No. 88 of 1993) shall not apply with regard to the dispositions for the inspection, etc.

(Restriction on Appeal)

Article 10-5 No appeal may be entered against a disposition for the inspection, etc. in accordance with the Administrative Appeal Act (Act No. 160 of 1962).

(Restriction on Administrative Case Litigation)

Article 10-6 No action for an injunctive order may be filed against a disposition for the inspection, etc. pursuant to the provision of Article 37-4 of the Administrative Case Litigation Act (Act No. 139 of 1962).

(Guidance, etc. for Custodian Who Has Committed Child Abuse)

Article 11 (1) Guidance to be given under item (ii), paragraph (1), Article 27 of the Child Welfare Act to a custodian who has committed child abuse shall be properly given by taking into account the reunion of parent and child and other matters necessary for the abused child to live in a good and homelike

environment.

- (2) If the measures are taken under item (ii), paragraph (1), Article 27 of the Child Welfare Act against a custodian who has committed child abuse, said custodian shall receive guidance set forth in the same item.
  - (3) If, in the case of the preceding paragraph, the custodian fails to receive guidance set forth in the same paragraph, the prefectural governor may recommend said custodian to receive guidance set forth in the same paragraph.
  - (4) The prefectural governor shall, when he/she finds it necessary where the custodian who has received recommendation pursuant to the provision of the preceding paragraph fails to follow the recommendation, cause the director of child guidance center to take temporary custody of the child who has suffered child abuse pursuant to the provision of paragraph (2), Article 33 of the Child Welfare Act or to delegate said temporary custody to an appropriate person, and take necessary measures such as the measures pursuant to the provision of item (ii), paragraph (1), Article 27 or paragraph (1), Article 28 of the same Act.
  - (5) If the custodian who has received recommendation pursuant to the provision of paragraph (3) fails to follow the recommendation, and the welfare of the child under his/her custody is materially harmed by the exercise of parental authority by said custodian, the director of child guidance center shall make a request pursuant to the provision of Article 33-7 of the Child Welfare Act properly as necessary.
- (Restriction, etc. on Visitation and Other Act)
- Article 12 (1) In cases where the measures prescribed by item (iii), paragraph (1), Article 27 of the Child Welfare Act (hereinafter referred to as the "measures for residential care, etc.") are taken for a child who has suffered child abuse or temporary custody is taken for such child pursuant to the provision of paragraph (1) or (2), Article 33 of the same Act, when it is found necessary for preventing child abuse and for protecting the child who has suffered child abuse, the director of child guidance center and in the case of the measures for residential care, etc. being taken for the child, the head of the institution prescribed in the same item into which the measures for residential care, etc. are taken may, as specified by an Ordinance of the Ministry of Health, Labour and Welfare, restrict the whole or part of the following acts by the custodian who committed the child abuse:
- (i) Visitation with the child; and
  - (ii) Communication with the child.
- (2) When the head of the institution set forth in the preceding paragraph imposes the restriction pursuant to the provision of the same paragraph or ceases to impose such restriction, he/she shall give notice to the director of child

guidance center to that effect.

- (3) In cases where the measures for residential care, etc. (limited to those taken pursuant to the provision of Article 28 of the Child Welfare Act) are taken for a child who has suffered child abuse or temporary custody is taken for such child pursuant to the provision of paragraph (1) or (2), Article 33 of the same Act, when there is a possibility of repeated child abuse, such as the possibility of the child taken back by the custodian, or when it is found that the protection of the child would be disturbed if the domicile or resident of the child is identified to the custodian who has abused the child, the director of child guidance center shall not identify the domicile or residence of the child.
- Article 12-2 (1) In cases where the measures for residential care, etc. (excluding those taken pursuant to the provision of Article 28 of the Child Welfare Act; the same shall apply in this paragraph) are taken for a child who has suffered child abuse, when such measures are against the will of the relevant custodian and it is found difficult to continue such measures on the ground of the circumstances such as the custodian demands delivery of the child or fails to observe the restriction prescribed by paragraph (1) of the preceding Article, even though it is found that repeated child abuse is likely once the child is delivered to the custodian who committed the child abuse, the director of child guidance center may take temporary custody of the child pursuant to the provision of paragraph (1), Article 33 of the same Act until he/she makes the report set forth in the following paragraph.
- (2) The director of child guidance center shall, when he/she has taken temporary custody set forth in the preceding paragraph, promptly report to the prefectural governor to the effect that the measures for residential care, etc. prescribed by Article 28 of the Child Welfare Act are necessary, pursuant to the provision of item (i), paragraph (1), Article 26 of the same Act.
- Article 12-3 In cases where the director of child guidance center has taken temporary custody of a child who has suffered child abuse pursuant to the provision of paragraph (1), Article 33 of the Child Welfare Act (excluding the cases where temporary custody is taken under paragraph (1) of the preceding Article) and it is found that the measures for residential care, etc. are necessary for the child, when it is found that such measures are against the will of the relevant custodian on the ground of the circumstances such as the custodian demands delivery of the child or fails to observe the restriction prescribed by paragraph (1) of Article 12, even though it is found that repeated child abuse is likely once the child is delivered to the custodian who committed the child abuse, the director of child guidance center shall promptly report to the prefectural governor to the effect that the measures for residential care, etc.

prescribed by Article 28 of the Child Welfare Act are necessary, pursuant to the provision of item (i), paragraph (1), Article 26 of the same Act.

Article 12-4 (1) When a prefectural governor specifically finds it necessary for preventing child abuse and protecting a child who has suffered child abuse in cases where the measures for residential care, etc. (limited to those taken pursuant to the provision of Article 28 of the Child Welfare Act) have been taken for the child who has suffered child abuse and the custodian who has abused the child is restricted from being engaged in all acts listed in each item of paragraph (1) of Article 12 pursuant to the provision of the same paragraph, the prefectural governor may, as specified by an Ordinance of the Ministry of Health, Labour and Welfare, order said custodian to refrain from constantly approaching the child at the domicile or residence of the child, the school the child attends or any other place, or from loitering in the vicinity of the domicile or residence of the child, the school the child attends or any other place normally frequented by the child (including the school commuting roads and other routes the child normally uses for living his/her daily or social life) by specifying the period not exceeding six months.

(2) In the case prescribed in the preceding paragraph, the prefectural governor may, when he/she specifically finds it necessary for continuously preventing child abuse and protecting the child who has suffered child abuse, renew the valid period of an order which has been issued pursuant to the provision of the same paragraph by specifying the period not exceeding six months.

(3) The prefectural governor shall, when he/she intends to issue an order pursuant to the provision of paragraph (1) (including the cases of intending to renew the valid period of an order issued under paragraph (1) pursuant to the provision of the preceding paragraph), hold a hearing irrespective of the categories of procedures for hearing statement of opinions under paragraph (1), Article 13 of the Administrative Procedure Act.

(4) When issuing an order pursuant to the provision of paragraph (1) (including the cases of renewing the valid period of an order issued under paragraph (1) pursuant to the provision of paragraph (2)), a written order describing the matters specified by an Ordinance of the Ministry of Health, Labour and Welfare shall be delivered.

(5) When the measures for residential care, etc. taken pursuant to the provision of Article 28 of the Child Welfare Act are canceled, suspended or changed to other measures or the restrictions imposed pursuant to the provision of paragraph (1) of Article 12 ceases to be imposed, in whole or part, after an order is issued pursuant to the provision of paragraph (1), said order shall lose its effect. The same shall apply when an order is issued pursuant to the provision of paragraph (1) in cases where the measures for residential care, etc.

are continuously taken pursuant to the provision of paragraph (3), Article 28 of the same Act, and the determination on an application for approval pertaining to the renewal of valid period for such measures filed pursuant to the provision of paragraph (2) of the same Article becomes final and binding prior to the lapse of the valid period of said order.

(6) When a prefectural governor has issued an order pursuant to the provision of paragraph (1) and finds that said order has become unnecessary, he/she shall rescind said order as specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(Cancellation of Measures for Residential Care, etc.)

Article 13 When a prefectural governor intends to cancel the measures for residential care, etc. taken for a child who has suffered child abuse in case where the measures for residential care, etc. have been taken for the child and also the measures prescribed by item (ii), paragraph (1), Article 27 of the Child Welfare Act have been taken for the custodian of the child, he/she shall hear opinions of the child welfare officer or other person who is supposed to give guidance to the custodian of the child as prescribed in the same item, while taking into account the effect of such guidance given to the custodian, the expected effect of the precautionary measures taken against repeated abuse of the child and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(Support of Children, etc. Who Have Suffered Child Abuse)

Article 13-2 (1) A municipality shall, when it makes selection of children for admission to a nursery center pursuant to the provision of paragraph (3), Article 24 of the Child Welfare Act, take into account the welfare of families in need of special support, for contributing to the prevention of child abuse.

(2) The national and local governments shall take necessary measures such as improvement and enrichment of contents and methods of education, in order to allow children who have suffered child abuse to receive sufficient education suitable to their age and capabilities.

(3) The national and local governments shall take measures to support self-reliance of persons who have suffered child abuse, such as securing their residential place, supporting their education at higher-level schools or employment and the like.

(Provision of Materials or Information)

Article 13-3 A local government organ may, when it is required by a mayor of municipality, director of a welfare office established by a prefecture or director of child guidance center to provide materials or information on the mental or

physical condition and surroundings of an abused child or his/her custodian, and other materials or information related to the abused child, his/her custodian and other relevant persons pertaining to prevention, etc. of child abuse, provide such materials or information, as long as the mayor or municipality, director of a welfare office established by a prefecture or director of child guidance center uses the same within the scope necessary to conduct the affairs or services related to prevention, etc. of child abuse and there is any reasonable ground for such use. Provided, however, that this shall not apply to cases where the provision of said materials or information is found to be likely to violate the rights and interests of the child, his/her custodian or other relevant persons or any third party in an unreasonable manner.

(Report to Prefectural Child Welfare Council, etc.)

Article 13-4 A prefectural governor shall report, to the Prefectural Child Welfare Council prescribed by paragraph (2), Article 8 of the Child Welfare Act (or the Local Social Welfare Council, in the case of a prefecture prescribed by the proviso to paragraph (1) of the same Article), the state of implementation of the entry and investigations or questioning made pursuant to the provision of paragraph (1), Article 9, inspection, etc. and temporary custody of children who have suffered child abuse pursuant to the provision of paragraph (1) or (2), Article 33 of the Child Welfare Act, child abuse cases which caused significant damage to the relevant children mentally or physically and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(Consideration, etc. of Exercise of Parental Authority)

Article 14 (1) A person who exercises parental authority over his/her child shall give due consideration to appropriate exercise of such authority in disciplining the child.

(2) No person who exercises parental authority over his/her child shall be exempt from punishment for assault, bodily injury or other criminal offence related to child abuse on the ground that he/she is the one who exercises parental authority over the child.

(Proper Operation of System for Loss of Parental Authority)

Article 15 The system for the loss of parental authority provided for in the Civil Code (Act No. 89 of 1896) must be properly operated from the viewpoint of preventing child abuse and protecting children who have suffered child abuse.

(Special Provisions for Large Cities, etc.)

Article 16 In a designated city set forth in paragraph (1), Article 252-19 of the Local Autonomy Act (Act No. 67 of 1947) (hereinafter referred to as the

"designated city") and a core city set forth in paragraph (1), Article 252-22 of the same Act (hereinafter referred to as the "core city"), and in a city with child guidance center prescribed by paragraph (1), Article 59-4 of the Child Welfare Act, the administrative affairs which a prefecture is supposed to process in this Act and which are prescribed by a Cabinet Order shall be processed, pursuant to the provisions of the Cabinet Order, by the designated city, the core city or the city with child guidance center (hereinafter referred to as the "designated city, etc."), respectively. In this case, the provisions concerning a prefecture in this Act shall be deemed to apply to the designated city, etc. as if they were the provisions concerned with the designated city, etc.

(Penal Provisions)

Article 17 A person who has violated an order issued pursuant to the provision of paragraph (1) of Article 12-4 (including, where the valid period of an order issued under paragraph (1) of the same Article has been renewed pursuant to the provision of paragraph (2) of the same Article, such order) shall be sentenced to imprisonment with work for not more than one year or a fine of not more than one million yen.

#### **Supplementary Provisions [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as from the day specified by a Cabinet Order within a period not to exceed six months from the date of promulgation.

#### **Supplementary Provisions [Act No. 53 of May 25, 2011]**

This Act shall come into effect as from the date of enforcement of the new Non-Contentious Cases Procedures Act.

## Notes to Annexes 2-1 and 2-2:

1. These translations of the Acts are prepared by Ministry of Justice, the Government of Japan, and downloaded from:
  - Child Welfare Act (CWA):  
<http://www.japaneselawtranslation.go.jp/law/detail/?id=11&vm=&re=>
  - Act on the Prevention, etc. of Child Abuse (CAPA):  
<http://www.japaneselawtranslation.go.jp/law/detail/?id=2221&vm=04&re=01>
  
2. The last Amendments reflected in these translations are as follows:
  - Child Welfare Act (CWA): Act 73 of 2007.
  - Act on the Prevention, etc. of Child Abuse (CAPA): Act 53 of 2011.

*Therefore, these English translations do not incorporate the later amendments.*